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ABSTRACT

This resource unit, developed by the University of Minnesota's Project Social Studies, introduces eighth graders to the judicial process. The unit was designed with two major purposes in mind. First, it helps pupils understand judicial decision-making, and second, it provides for the study of the rights guaranteed by the federal Constitution. Both purposes are met through the study of several long case studies as well as through the analysis of short cases and many other kinds of materials. Two outlines of content, preceded by objectives, are used to show the relationship of data and generalizations and to suggest the order in which different topics and case studies might be taken up in the classroom. A reading on local government and politics concludes the unit. The teacher's guide is SO 007 511. (Author/KSM)

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Grade Eight
UNIT V: JUDICIAL PROCESS

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RESOURCE UNIT
JUDICIAL PROCESS

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INTRODUCTION

This unit focuses both upon our judicial system and upon our civil liberties. Many cases could have been used to teach the ideas related to judicial decision-making. However, civil liberties cases of various types are used for two reasons. First, they may be used to help develop some of the attitudinal goals or values related to the ground rules of a democratic society. Second, they were thought to have more inherent interest for young people in the eighth grade than many other types of cases which might have been chosen.

As in the other units in this course, this resource unit includes two outlines of content. Again, the first outline is designed to show more clearly the sub-generalizations and data which can be used to teach the major generalizations. The second outline is organized according to the order in which different topics and case studies might be taken up in the classroom.

The numbers after each section in the first outline refer to teaching procedures which are placed opposite the second outline.

When building a teaching unit from this resource unit, the teacher should try to make sure that he keeps at least one or several of the activities designed to teach each part of the first outline. There could be several exceptions to this general rule. First, the teacher might decide to omit parts of the first outline because of the general ability level of the class he is teaching or because he wishes to reduce the amount of time spent on the unit. Second, he may develop different activities to teach the same ideas.

After each teaching procedure there is a reference to parts of the first outline which this procedure can be used to teach. At times, the idea may be expressed in two different places in the first outline because it is one which helps support more than one generalization. By referring back to this outline, the teacher should be able to do a better job of making the fullest use of each activity.

As the teacher modifies this resource unit for use with a specific class, he should be aware of the way in which the present arrangement fits together. First amendment cases could be taught before the Gideon case. However, the Gideon case is written to help pupils understand how the Fourteenth Amendment was finally interpreted to safeguard First Amendment rights against state action. Unless pupils understand this, they have little chance of understanding the actual Court decisions in the cases presented in "You Be the Judge." It is probably preferable, unless there are strong reasons for doing otherwise, to follow the present order of any activities chosen for use with a specific class. If the order of activities is shifted, the teacher must make sure that the necessary cognitive background is built for each activity.

This unit is designed to make progress toward teaching the following:

Generalizations

1. All societies have potential conflict among their members and must work out means of accommodating differences.

   a. In political conflict there is a struggle over scarce values or goals.

      1) The community demands order and stability--goals which may be incompatible with the demands of individuals. The continuing attempts to solve the dilemmas of this conflict is, perhaps, the central problem in all attempts to create and modify political institutions.

   b. The political system is the authoritative allocator, the mechanism by which society finally and ultimately decides which interests, goals, and wants shall be enforced on and in society.

   c. Compromise is often achieved in the political system by reliance on ambiguous symbols and words, by postponing the substantive resolution of disagreement by an empty formula, or by postponing an agreement on principle while settling an individual case.

2. The separation of powers is built on an assumption of political functions which cannot easily be separated in reality.

3. The role of the Judiciary depends on the system of law and the nature of the Constitution which it expounds.

4. Decision-making is influenced by the decision-maker's internalized values, attitudes, and perceptions; by other decision-makers in government; by interest groups and general public opinion, and by the structure within which decisions are made.

   a. Any decision is in part a product of the internalized values and the perceptions of the person making the decision.

      1) Ideologies are important for the structure they give to the political system, the answers they give to ambiguous situations, and the cues for responses they suggest; that is, for the ideologue, his ideology is an inarticulate guide, manual, and cue-book to the political system.

   b. The decision-maker reacts to pressures from other decision-makers and from outside the government.

      1) The interest group operates and attempts to bring influence to bear wherever in the political system public policy is being made.

         a) The interest group attempts to bring aggregates of influence to bear upon decision-makers by attempts to frame the possible choices the decision-makers have, by direct influence, by education, and by attempts to control the selection of the decision makers.

         b) No interest group pursues its goals entirely through the political system; it is drawn into political activity

only in specific instances of goal-seeking.

2) Attempts to abstract political decision-making from the pressures of the political system (from "politics") have not succeeded.

c. The institutions of government constitute the arenas or structures within which the authoritative decisions of the political process are made; they affect these decisions by limiting or granting access to decision-makers, setting the procedures of decision-making, setting the powers of decision-makers, informally distributing power among decision-makers, and setting the norms to be followed by decision-makers.

5. Political power is distributed unevenly through a population even in a democracy; the concept of political equality or one man--one vote ensures only a minimum opportunity for influence.

a. An individual may have power at one point in the political system but not at another point; that is, political power relates to specific points of decision-making within the political process.

6. Federalism pays greater homage than unitary governments to local differences and autonomy, but it also pays the greater price in inconsistencies and diversity.

7. Taking the policy-making process as a whole, the general strategic advantages lie with the status quo.

8. Constitutions may contain negative prohibitions as well as grants of power and statements of relationships; that is, they may in democracies prevent majority action on some subjects or at least slow such action down.

9. The contrast between democratic and non-democratic political systems may be looked at as a conflict in basic underlying values.

a. Government action may both restrict and protect individual rights.

10. Freedom's relationship to democracy is a close and obvious one; the organization of majorities, the competition in goals, and the ability to oppose which democracy presupposes, all depend on a high degree of personal freedom.

11. Democracy is a complicated consent and consensus system in which consent may move from government to citizen as well as from citizen to government.

12. Constitutions change by formal amendments and by changes in custom and interpretation.

13. The political system includes a number of major components, each of which affects the other components.

a. A law or policy or court decision must be effectuated and applied; in that process the whole decision-making and influence process goes on again.

14. An institution is an interrelated cluster of roles and the attached meanings and values; changes in these roles and their relationships bring changes in the institution.

15. The leadership of any group must try to maintain group cohesion and harmony and also must organize its strategies or provide intellectual leadership.

16. Political activity, by which the individual seeks his goals and interests through the political

system, takes any number of forms, depending on the nature of the system, and varies greatly in incidence.

Behavioral Goals Related to Skills

1. Attacks problems in a rational manner
   a. Sets up hypotheses.
2. Locates information
   a. Uses Reader's Guide to Periodical Literature
   b. Uses Current Biography and Who's Who in the United States to locate information about living people.
   c. Uses yearbooks such as almanacs, the U.S. Government Organizational Manual, and the state legislative manual.
   d. Uses key words to skim to locate information.
3. Gathers information
   a. Reads for the main idea or ideas. (Is able to use introductions, summaries, and first sentences in paragraphs of expository material to pick out main ideas.)
   b. Reads material dealing with legal terms with comprehension.
   c. Adjusts reading rate to purpose and type of material.
   d. Draws inferences from tables and charts.
   e. Uses verbal and non-verbal cues to identify main ideas of organized speeches.
4. Evaluates information
   a. Identifies assumptions.
   b. Recognizes differences in difficulty of proving statements.
   c. Distinguishes between facts, inferences, and value judgments.
   d. Evaluates information in terms of bias and competency of author or witness.
   e. Detects persuasion devices in cartoons.
   f. Checks on the completeness of data.
5. Organizes and analyzes information
   a. Categorizes data.
   b. Applies previously-learned concepts and generalizations to new data.
   c. Tests hypotheses against data, refining, or working out new hypotheses as necessary.
6. Communicates effectively with others
   a. Communicates effectively through round-table discussions. (Keeps to the point, helps move the discussion along, follows an organization, summarizes.)

Behavioral Goals Related to Attitudes and Values*

1. Respects evidence even when it contradicts preconceptions.
2. Is skeptical of "conventional truths" and demands that widely-held and popular notions be judged in accordance with standards of empirical validation.

*Some of these attitudes such as 9 and 5 should be developed through the content of the entire unit. Others will be developed in part through specific procedures and in part through the general approach which teachers take; see for example 1 and 2.

3. Is sceptical of the finality of knowledge; considers generalizations and theories as tentative, always subject to change in the light of new evidence.

4. Is committed to the free examination of social attitudes and data. Searches actively for different points of view and interpretations. Values independent thought.

5. Is curious about social data and human behavior.

6. Values objectivity and desires to keep his values from affecting his interpretation of evidence, although recognizing the important role of values in the process of making decisions about problems which demand action.

7. Believes that the social sciences can contribute to men's welfare by providing information and explanatory generalizations which help them achieve their goals.

8. Supports freedom of thought and expression.

9. Values procedural safeguards needed for a fair trial for those accused of crimes.

10. Has a reasoned loyalty to the U.S. and desires to make it an ever-better place in which to live.

11. Values institutions as a means of promoting human welfare, not because of tradition; is willing to change institutions as times create new problems.

12. Feels a sense of responsibility for keeping informed about current problems.

13. Has a sense of responsibility for taking informed action about problems confronting the nation.

GENERALIZATIONS	OUTLINE OF CONTENT #1 (Not in order of presentation)	TEACHING PROCEDURES (By number. Refers to procedures on teaching outline.)
G1 All societies have potential conflict among their members and must work out means of accommodating differences.	I. All societies have potential conflict among their members and must work out means of accommodating differences.	1-9 and see below.
G1a In political conflict there is a struggle over scarce values or goals.	A. In political conflict there is a struggle over scarce values or goals.	2,6,10,15,18,23,26,28,31, 45,46,51,54,55,57,58,84, 85,86,110,129-132,139,141, 148,168,173,181,182d,183, 190,194,221
	1. Civil cases involve conflict between private citizens; these citizens are involved in a struggle for the control of scarce goals. They resort to the courts to try to gain their ends.	6,10,45,46,51,54,55,57 204,205
	a. There is a conflict over money in workmen's compensation cases.	54,55
	b. There is conflict over money in car or plane accident suits.	10,45,46,54
	c. There is a conflict between the right to speak and the right to a person's reputation or a group's reputation in libel cases.	178,179,180
	2. Criminal cases involve conflict among citizens over many goals; again both sides try to use the courts to gain their ends.	10,15,23,28,31,45,46,54,55, 57,84,85,86,114,129-132, 139,141,148,168,173,181, 190,194, 26

G1a1 The community demands order and stability--goals which may be incompatible with the demands of individuals. The continuing attempt to solve the dilemmas of this conflict is, perhaps, the central problem in all attempts to create and modify political institutions.

a. The community demands order and stability--goals which may be incompatible with the demands of individuals. The continuing attempt to solve the dilemmas of this conflict is, perhaps, the central problem in all of political philosophy and in all attempts to create and modify political institutions. 10,15,23,26,28,31,45,46, 54,55,57,84-86,110,129-132, 139,141,148,168,173,181,194

1) There may be a conflict between security from crime for the general community and safeguards for individuals accused of crimes. 10,15,23,26,28,54,55,57, 110,129-132,139,141,148, 168,173

2) There may be a conflict between order and preservation of rights of people to assemble and march. 181,194

3) There may be a conflict between the right of people to be free from noise and the invasion of other people's rights. 181

4) There may be a conflict between national security and individual rights in martial law cases. 28,84,85,73

5) There may be a conflict between national security in time of war and the preservation of rights of those accused of crimes. 26,84,85,173,181

b. There may be a conflict between the rights of defendants to a court-appointed lawyer needed for a fair trial and the cost to taxpayers of providing a lawyer. 107,110,126,129-132, 173

	c. There is a conflict between whites and Negroes in desegregation cases.	181,190,194
	d. There are other kinds of conflict in some of the cases which reach the Supreme Court.(e.g. Should the government be permitted to tax people and use the money in certain ways? Should the government be permitted to regulate business? Should the government be able to seize industries during threatening strikes?)	84,85
Glb The political system is the authoritative allocator, the mechanism by which society finally and ultimately decides which interests, goals, and wants shall be enforced on and in society.	B. The political system is the authoritative allocator, the mechanism by which society finally and ultimately decides which interests, goals, and wants shall be enforced on and in society.	18,35-39,54,55,57-59
	1. The Judiciary is a political institution created as an independent agency for the interpretation and the settlement of legal disputes.	18,36,54,55,57,58
	2. The political system is universal or virtually universal, in that it includes more members and groups in society than do the other systems of control such as a family, religious groups, or economic groups.	35
	3. The political system enjoys legitimacy-- the acceptance of its functioning and authority.	36-39
	4. The political system stands above other allocative and control systems, enjoying the authority to control either their operation or the outcome of their opera-	37,59

tion. It controls, through its ultimate monopoly of force, other systems for the control of behavior, and the allocation of scarce and conflicting values in society.

C1c Compromise is often achieved in the political system by reliance on ambiguous symbols and words or by postponing the substantive resolution of disagreement by an empty formula or by postponing an agreement on principle while settling an individual case.	C. Compromise is often achieved in the political system by reliance on ambiguous symbols and words, by postponing the substantive resolution of disagreement by an empty formula, or by postponing an agreement on principle while settling an individual case.	109,115,127,129,190 215,216
	1. The due process and equal treatment clauses in the Constitution are ambiguous, and justices have only gradually made them more specific.	109,115,127,129,190
	2. The Gideon case failed to determine several questions; this postponement was probably due to a desire by the justices not to anger the South by an opinion not needed to satisfy that particular case.	126,127
	a. Opinion failed to indicate whether the justices thought the ruling should apply to all those already in prison.	126,127
	b. The opinion failed to indicate whether the justices would apply the ruling on the need for a lawyer to all types of criminal cases including misdemeanors.	126,127

G2 The separation of powers is built on an assumption of political functions which cannot easily be demonstrated in reality.	II. The separation of powers is built on an assumption of a division of political functions which cannot easily be demonstrated in reality.	See below
	A. The law-making function (if law is understood to be binding rules of conduct) is undertaken by all three branches; all are involved in determining norms of behavior.	85,118,126,136h,139, 146,147,162,198
	1. Courts are supposed to decide legal, not political disputes; however, the courts get involved in the political process because they help allocate scarce values or goals.	85,126,136h,139,146,162, 194,198
	2. The courts make policy every time they reinterpret the Constitution or interpret laws.	85,118,126,136h,139,146, 147,162,194,198
	B. The judicial function is undertaken by some of the executive divisions; these divisions judge instances of violations of rules laid down by Congress or by them under a delegation of power. (e.g. The Treasury Department makes rulings in tax cases as they interpret the tax laws.)	45,46,53,62,68
G3. The role of the Judiciary depends on the system of law and the nature of the constitution which it expounds.	III. The role of the Judiciary depends on the system of law and the nature of the constitution which it expounds.	194 and see below
	A. The role of the courts is smaller under the codified law of the Roman tradition than it is under the judge-made law of the common law.	45-47,54
	1. Even though common law is built up through many decisions, judges are also	45-47,54

bound to follow past decisions unless the new case is too different.

2. The judges have less of a role in determining cases arising under statutes. 45-47

B. Constitutions must have an ultimate interpreter, since they are of nature ambiguous and non-specific; however, courts need not be the agency of final interpretation. 45-47,83,84,89,90,146, 180,222

1. Many of the words and phrases in constitutions are ambiguous. 45-47,90,146

2. Courts need not be the agency of final interpretation. 83,84,222

a. Parliament is recognized as the final arbiter and determiner of the meaning of the British constitution. 84

b. Some judges and other people in this country have argued that each branch of government should be the final arbiter of the meaning of the constitution for its actions. 84,222

3. The Supreme Court would not have to be the agency of final interpretation for the constitutionality of state laws and actions of state officials; the state supreme courts could be given this power. 84,89,222

C. The political importance of the judiciary depends largely on whether or not it has responsibility for declaring acts of the other two branches constitutional. 243, 84,85,88,89,126, 130,136j.218,222

1. Minor state courts in the U.S., which are responsible largely for private law, have a far different role from the U.S. Supreme Court which is responsible for a far greater body of public and constitutional law. 88,126

2. The power of the U.S. Supreme Court in the U.S. to review the constitutionality of acts of the other branches gives it a final authority which no one exercises over it. 84,85,88,89,136,218,222

   a. Its rulings may not be enforced, but it has the final say about whether an act is constitutional or not. 84,88,89,218

   b. It is possible to get around rulings by amending the constitution or by modifying laws to make them acceptable. 136j,218,222

G4 Decision-making is influenced by the decision-maker's internalized values, attitudes, and perceptions; by other decision-makers in government; by interest groups and general public opinion; and by the institutions or structure within which the decisions are made.

IV. Decision-making is influenced by the decision-maker's internalized values, attitudes, and perceptions; by other decision-makers in government; by interest groups and general public opinion; and by the institutions or structure within which the decisions are made. 124,137,223,224,225,241,243 and see below.

G4a Any decision is in part a product of the internalized values and the perceptions of the person making the decision.

A. Any decision is in part a product of the internalized values and the perceptions of the person making the decision. 92-94,112,115,118-120,125,135,136a,136k,149.150,153,162,174,195,199-201,203-212

	1. Judicial decisions tend to vary with attitudes toward liberalism-conservatism.	92,93,205,207,208
	2. Judicial decisions tend to vary with attitudes toward federalism.	115,119,120,149,15[illegible]
	3. Judicial decisions tend to vary with attitudes toward the importance of past rulings in similar cases.	115,119,125,153
	4. Judicial decisions tend to vary with attitudes toward the role of the Supreme Court in constitutional review as related to the role of the other branches in interpreting the Constitution or in terms of attitudes toward the role of judges in general.	93, 119,125
	5. The decision-making of state judges tends to vary with the party of the decision-maker; that is to say, their party choices reflect different political values and perceptions which are then reflected in their decisions.	101,210
	6. Judicial decisions tend to vary with attitudes toward criminals and the ways of preventing crime or rehabilitation of criminals.	174,204-207
G4a1 Ideologies are important for the structure they give to the political system, the answers they give to ambiguous situations, and the cues for responses they suggest; that is, for the ideologue, his ideology is an inarticulate guide, manual, and cue-book to the political system.	7. Ideologies are important for the structure they give to the political system, the answers they give to ambiguous situations, and the cues for responses they suggest; that is, for the ideologue, his ideology is an inarticulate guide, manual, and cue-book to the political system.	93,115,119,120,125,136a, 153,195,202,207

a. Ideology will help justices make difficult political judgments--judgments about the amount of emphasis to place upon federalism, upon civil liberties when interpreting any of the bill of rights or the 14th amendment. 115,119,120,125,136a, 153,195

b. Ideology affects decision-making in economic cases. 207

8. Judges' attitudes are affected by socialization in their families and by various reference groups. 201,202

G4b The decision-maker reacts to pressures from other decision-makers and from outside the government.

B. The decision-maker reacts to pressures from other decision-makers in government. 45,46,84,92,94,95,104, 112,115,116,126,129,135, 136k,162,215,216

1. Unquestionably, the Chief Justice of the Supreme Court, both by reason of his office and his own personal persuasiveness, is usually able to influence the actions of some other justices some of the time; the great chief justices have exerted a vast amount of control. 112,126,136k,215,216

a. They exert influence by presiding over conferences, speaking first on issues, voting last on cases. 112,126,215,216

b. They exert influence by assigning opinions when they vote with the majority. 126,136k,215,216

2. The Justices of the Supreme Court exercise considerable influence on each other; decisions are not made just on the basis of arguments presented by 112,126,136k

lawyers on both sides of a case.

a. They exert influence during conferences on cases. 112,126

b. They exert influence through their written opinions and their comments on the preliminary drafts of opinions written by others. 126,136k

3. Justices are influenced by decisions and opinions of judges in other courts. 45,46,84,115,116,129, 136k,156

a. Supreme Court justices are influenced by decisions and opinions of lower court judges who have built up excellent reputations. 115,116

b. Supreme Court justices, through their decisions and opinions, influence decision-making by judges in lower courts. 84,115,129,136k,156

1) Lower courts are supposed to follow the rulings in their opinions as to the constitutionality of certain actions. 84,115,129

2) Sometimes opinions influence action even when the decision goes in another direction. 156

4. Supreme Court justices cannot help but be influenced to some degree by Congressional and Presidential attempts to change the Court's membership or jurisdiction over cases. 92,94

5. The President is influenced by Senators when he nominates judges. 92,93

	C. The decision-maker reacts to pressures from outside of the government.	23,85,86,92,93,94,105, 109,115-117,122,123,125, 126,135,136f,153,156,162, 174,176,182a,182b,182c, 182e,182f,185,193
	1. The decision-maker reacts to changes in public opinion.	23,86,92,109,115-117,122, 123,125,126,135,136f,153, 156,174,176,182c
	a. Justices are influenced by changes in people's ideas of fair treatment (due process), the relative importance of states' rights, cruel and unusual punishments, etc.	23,109,115,122,123,125,126, 153,156,174,176
	b. Justices of the Supreme Court read the legal journals and are highly sensitive to criticism by legal scholars and law professors.	115-117
	c. Judges are human beings who do not live in a vacuum, and, as Cardozo said, the great issues which engulf other men do not turn aside to pass judges by.	23,109,174
G4bl The interest group operates and attempts to bring influence to bear wherever in the political system public policy is being made.	2. The interest group operates and attempts to bring influence to bear wherever in the political system public policy is being made.	85,92-94,117,122,135,136f. 182a,b,e,f,185,193
G4bla The interest group attempts to bring aggregates of influence to bear upon decision-makers by attempts to frame the possible choices the decision-makers have, by direct influence, by education, and by attempts to control the selection of the decision-makers.	a. The interest group attempts to bring aggregates of influence to bear on decision-makers by attempts to frame the possible choices the decision-makers have, by direct influence, by education, and by attempts to control the selection of the decision-makers.	92-94,117,122,182a,b,e,f, 185,193

1) Interest groups may bring test cases and thus help frame the choices open to the decision-makers; they may help bring cases in lower courts and in appellate courts. 182a,182b,182e,185,193

2) Interest groups seek to influence judicial decisions by filing briefs of amicus curiea. 122,182f,185

3) Interest groups seek to influence judicial decisions by planning barrages of legal articles in legal journals. 117,193

4) Interest groups seek to control the selection of the decision-maker. 92,93

   a) In states where judges are elected, they try to get certain judges elected or defeated. 92,93

   b) Where judges are appointed, some groups try to influence the appointment. 92,93

      (1)They may appear before the Senate Judiciary Committee to oppose certain candidates nominated by the President. 92

      (2)They may write the Justice Department about the appointment of judges. 92

      (3)The Bar Association tries to get governors and the President to consult with it before making appointments. 92,93

b. The strategy of influencing public policy depends on a number of factors. 94

1) The groups or individuals must first define the possible decision-making points they seek to influence. 94

2) Their decision on which points will depend upon their assessment of their possibilities of access. 94

3) Their decision on means of influence will depend upon their assessment of their possibilities of success. 94

G4blb No interest group pursues its goals entirely through the political system; it is drawn into political activity only in specific instances of goal-seeking.

c. No interest group pursues its goals entirely through the political system; it is drawn into political activity only in specific instances of goal-seeking. 85,92,182a,182e,193

1) A group which comes close to entirely political legal activity is the N.A.A.C.P.; however, it too, has a more general goal of helping civil rights and it existed long before it put as much of its resources into litigation. 92,193

2) Corporations or business organizations seek many of their interests in ordinary economic action; at times they seek public policy support for their interests. (e.g. They may bring test cases to test the constitutionality of laws.) 85,181

3) Labor organizations seek most of their interests through collective bargaining; at times they attempt to seek public policy support for their interests. 92,182a

a) They may bring test cases. 182

b) They may attempt to influence the choice of judges. 92

4) Johovah's Witnesses are primarily a religious group, but it brought test cases. 182e

G4b2 Attempts to abstract political decision-making from the pressures of the political system (from "politics") have not succeeded.

D. Attempts to abstract political decision-making from the pressures of the political system (from "politics") have not succeeded. 62,91-93,97,100-103, 105,117

1. Any decision-maker who has choices has the capacity to make decisions which will affect some people; the people affected have a political interest in trying to achieve one choice over others. 91-93,101,103,117

2. The non-partisan election of judges in some states has not really removed them from political pressures. 97,100-103,105

3. Granting a judge a life term will not automatically ensure the court's independence from the interference of other branches of government or its freedom from outside groups and public opinion. 62,92,93,94,100-103

	a. One of the most general ways in which legislatures may diminish the independence of courts is to alter their jurisdiction and membership.	62,94
	b. Attempts to influence the making of policy differ in style and tactics, but the most obviously effective method of influence is to control the selection of the decision-maker.	92,93,100,102
	1) As justices die, the President appoints new ones who reflect his internalized values and attitudes and the widely-held attitudes and values of people of his times.	92,93
	2) Senators can affect judicial decision-making through their power to block appointments of federal judges.	92
	c. Justices are influenced by their own values and attitudes, by pressures from other decision-makers, and by pressures from interest groups.	92,94.102,117
G4c The institutions of government constitute the arenas or structure within which the authoritative decisions of the political process are made; they affect those decisions by limiting or granting access to decision-makers, setting the procedures of decision-making, setting the powers of decision-makers, informally distributing power among decision-	E. The institutions of government constitute the arenas or the structure within which authoritative decisions of the political process are made; they thus affect the decision-making process.	22,23,27-31,45-47,61-72,74, 78,81,82,84,85,89-92,94,95, 97-99,112,113,115,119,121-123,126,129,133,134,135,136c, 136k,138,141,143-148,155, 158,162-165,167,182b,193, 215,216,219,226-235,237,240

makers, and setting the norms to be followed by decision-makers.	1. Political institutions limit access to the decision-makers.	61,62,67-69,71,72,74,94,112, 113,129,133-135,155,182b, 193.
	a. The costs of appeal limit access to courts of appeal; they limit access to the Supreme Court unless a person is a pauper or can get financial support from an organization.	113,120,129,134,155,193
	b. Congress has given the Supreme Court the right to turn down cases of many types.	62,67,112
	c. Some states do not permit the appeal of certain kinds of cases from the lower courts.	62,69
	d. Rules determine which kinds of cases go into which courts.	61,62,68,69,71,72,74
	e. The very poor and the down-and-outer has greater access to courts than to legislatures. So do those who live in areas underrepresented in legislatures.	129,133
	f. Negroes have had greater access to the courts and to the President than to legislatures because of the electorate of each.	94,182b
	2. Political institutions set the procedures of decision-making.	22,23,27-31,62-66,69,70, 74,92,97,108,112,115,121, 123,126,135,136c,138,141-144,146-148,158,163-165, 227,228,234,235,240
	a. Appellate courts do not retry cases; they listen to arguments	62,63,123,136c

about the law but accept the lower court's findings of fact.	
b. Appellate court justices use their own research and listen to colleagues as well as to lawyers in making their decisions.	126,136c
c. In trial courts juries are supposed to determine the facts; judges are supposed to determine the law.	62-64,66
d. Norms permit justices of the Supreme Court to change their votes after they have read opinions by other justices.	126
e. Rules limit the amount of time for oral arguments and permit justices to interrupt to ask questions and make comments.	123
f. Norms keep the public from finding out what goes on in conferences of the Supreme Court; thus justices do not need to worry about what they say at these conferences; they can express their opinions frankly.	112
g. Rules limit the kinds of evidence which can be presented in trials.	27,62,65,66,121,138,146-148, 158,163,240
h. The Constitution places limits on procedures in arresting and trying people.	22,23,28,115,121,126,141, 142,146,147,163-165,240
i. There are constitutional and statutory limitations on the kinds of things for which people can be taken to court.	29-31,240

j. They affect whether or not the judges will be trained in legal procedures to be followed and which people will be selected as judges. 74,92,97,227,228

3. Political institutions set the powers of the decision-makers. 22,23,27,28,61-63,69,71, 72,74,78,81,82,84,85,89, 92,95,97,126,141,142,146, 147,150,163-165,219,222

a. Interpretation and custom have given the Supreme Court the power to declare acts of Congress, the President and states unconstitutional. 82,84,85

b. Congressional acts have given the Supreme Court power to review certain kinds of cases; Congress has required review of some kinds and has let the Court decide which cases of other kinds it wishes to review. If Congress were to take away the Court's right to review certain kinds of cases, the Court's power would be reduced greatly. 62,63,89,95,219,222

c. State and congressional acts set the powers of courts of appeal and trial courts. 62,68,69,71,72,74

d. The Constitution limits the powers of police officials and judges by its guarantees of certain individual rights. 22,23,27,28,107,126,141, 142,146,147,150,163-165

e. The Courts cannot interpret laws and the Constitution unless others bring cases to them. 62,78,133

f. They determine who shall have the most power to name judges. 92,97

4. Institutional factors may, informally, distribute power and authority among decision-makers. 63,92,112,126,136c,136k, 215,216

   a. The Chief Justice's assignment of opinions distributes power unequally among justices. 126,136c,136k,215,216

   b. The custom of letting the Chief Justice analyze issues in a case first, gives him more influence than the other justices. 112,126,136c,215,216

   c. The custom of senatorial courtesy gives a Senator power over appointment of federal judges in his state but not in others. 92,136c

5. Political institutions set the boundaries and dimensions of the political playing field and fix the rules of the game played in it. 45-47,65,66,90,91,92,113,115, 117,119,135,136c,136j,153, 164,167,237

   a. Justices are supposed to follow past decisions in similar cases unless there are overwhelming reasons for not doing so. 45-47,115,119,135,136j, 153,237

   b. Justices are bound by professional ethics to try to preside and to decide cases fairly and without prejudice and according to the law. 66,93,237

   c. Lawyers are bound by professional ethics to behave in certain ways. 66

   d. Congress is bound by custom to interpret "good behavior" in such a way as to not remove a justice because of dislike for his rulings. 90,91

	e. Political values and traditions generally limit attempts to influence courts to general public sentiments, to attempts to raise test cases; the direct contacts which are within the norms of politics in legislatures are not within those of the courts.	117,136c,164,165
	1) Custom prohibits or results in adverse reactions to such ordinary types of pressure as petitions, writing letters, picketing, editorials on cases, etc. when applied to judges.	117,136c,165
	2) Custom and law prohibit attempts by people other than the opposing lawyers to influence jurors.	165
	f. Norms call for the appointment of a prominent lawyer to defend paupers before the Supreme Court, but this is not true in trial courts.	113
	g. Senators are bound by the norms of the Senate to follow senatorial courtesy when voting on judicial appointments.	92
G5 Political power is distributed unevenly through a population even in a democracy; the concept of political equality or one man--one vote ensures only a minimum opportunity for influence.	V. Political power is distributed unevenly through a population even in a democracy; the concept of political equality or one man--one vote ensures only a minimum opportunity for influence.	105 and see below

A. Judges of the U.S. Supreme Court have more power than lower federal court judges and at times also more power than the President. 62,84,85,88,112,130,133,213

B. An individual may have power at one point in the political system but not at another point; that is, political power relates to specific points of decision-making within the political process. 85,88,94,100,102,112,133, 136c,136d

1. An individual may have greater access to one type of decision-maker than to another. 94,100,102,112,133,136c, 136d,136e,143

a. The amount of access depends in part upon the way in which the decision-maker is chosen and upon his electorate if he is elected. 94,100,101,102,133,136c, 143,182b

1) Political parties have less access to judges who are appointed than to those who are elected. 100-102

2) Negro groups in the U.S. have classically had greater access and therefore greater influence with federal courts and executive groups than with legislatures. 94,182b,143

b. Law clerks may have some influence over their own justice but not over the others. 112,136d,136e

c. Senatorial courtesy gives a Senator more power over appointments in his own state than in others and more power over appointments of district court judges than other judges. 92

2. An individual may have greater power at one point in the decision-making process than in another.	75,79,85,88,112,126,133, 136c,136d,136e
a. Law clerks have greater influence over justices in their decisions to accept or reject cases than in their decisions and opinions in cases accepted.	112,136c,136d,136e
b. The Justice Department has more influence over some types of cases if they reach the Supreme Court than at other stages in the legal battle; they can prepare opinions and are sometimes permitted oral arguments in cases to which they are not a party.	194
c. The President and members of the Senate have greater power to influence judges through their appointment power than later on.	92,136c
d. A Supreme Court Justice may have more power at the time of a vote on a decision than later; a Justice who also writes the majority opinion has more power to influence other judges.	126,136c
e. The Supreme Court has power over what laws can be passed only after they are passed and cases related to them are brought to them.	85,88
C. Political power and influence may rest in formal governmental positions but it need not.	112,116,120,215

1. Every decision-maker is dependent on advice, knowledge, information and political intelligence, and as a result those advisors who can provide them with it have an important base for exerting power and influence on the official. 112,120

   a. Some justices are influenced by their law clerks. 112

   b. Justices are influenced by writers for legal journals. 116

2. Every small group needs both task and social leadership; this leadership may be provided by the Chief Justice of the Supreme Court or by other justices; this leadership gives the justice who assumes the leadership role more power than the other justices. 215

G6 Federalism pays greater homage than unitary government to local differences and autonomy; it also pays the greater price in inconsistencies and diversity.

VI. Federalism pays greater homage than unitary government to local differences and autonomy, but it also pays the greater price in inconsistencies and diversity. 60,61,62 and see below

A. Under federalism, states have more control over procedural matters related to arrest and trial than under a unitary system; however, this makes for great inconsistencies from one state to another. 115,119,120,124,125,130, 136g,146,147,149,153,156, 175

B. Common law and law regulating civil cases differ from one state to another; thus a person might be able to collect damages for a case in one state but not in another. 45,46,48,55

	C. The federal law may be applied unequally from one state to another; the Supreme Court can do only so much in trying to bring about similar interpretations of the Constitution.	84,85,89,115,120,123,124, 125
	D. What is a crime in one state may not be a crime in another.	45,46,48,55
	E. The federal system makes it difficult to catch criminals who have broken state laws; they can flee across borders and hide more easily.	50,55
G7 Taking the policy-making process as a whole, the general strategic advantage lies with the status quo.	VII. Taking the policy-making process as a whole, the general strategic advantage lies with the status quo.	135 and see below
	A. Political institutions that diffuse decision-making tend to make change difficult and to protect the status quo.	84,85,86,91,115,119,129, 136g,147,149,153,156,218
	1. Federalism tends to make it difficult to change criminal procedures in order to obtain uniform safeguards for those accused of crimes.	115,119,129,136g,147,149, 156
	2. The separation of powers is intended to and does produce institutional deadlock and delay more often than parliamentary ststems do.	84-86,91,218
	a. The separation of powers tends to make it difficult to bring about major changes rapidly.	84-86,218
	1) The Supreme Court can block major legislative changes; this is more likely to happen if the court membership has not changed much for some years.	84,86

2) The Supreme Court may block major changes by the executive. 84-86

b. Much of the conflict within the separation of powers may reflect the different constituencies of the three branches of government and the different patterns of access the three branches grant to outside influences. 92,94,182b

1) The Supreme Court is less influenced by general public opinion and pressure groups than is the legislature, although it, too, is influenced. This difference is due in large part to the way in which justices are appointed and the length of their terms. 92

2) The courts grant greater access than legislatures to certain interest groups such as civil rights groups; this is partly due to the way in which judges and legislative members get office. 94,182b

B. The status quo has status and acceptability as well as financial advantages. 47,112,115,119,129,136j, 147,151,153,154

1. Judges tend to decide new cases in terms of past decisions in cases of similar kinds. It is difficult to get courts to overturn a past ruling. 47,115,119,136j,147,151, 153

2. It is very costly to appeal cases to the Supreme Court unless a person is a pauper. 112,129,153,172

	3. Because of the term of office, judges on a court do not change rapidly; this means that there is less likely to be changed rulings than as if the judges were changed frequently.	153,154
	C. The status quo has the advantage of the defense in a complicated policy-making process; it has to stop action at only one point in the process; but the innovators have to secure approval at a number of decision-making points.	84,112,218,242
	1. Defenders of the status quo can stop action if the Supreme Court refuses to hear a case; the person appealing must convince the court to hear the case and must then convince it to decide in his favor.	112
	2. If those supporting the status quo can get the Supreme Court to support it, those wanting change must then move on to the difficult job of passing an amendment or a new law or beginning a campaign to change the ruling.	85,218
G8. Constitutions may contain negative prohibitinns as well as grants of power and statements of relationships; that is, they may in democracies prevent majority action on some subjects or at least slow such action down.	VIII. Constitutions may contain negative prohibitions as well as grants of power and statements of relationships; that is, they may in democracies prevent majority action on some subjects or at least slow down such action.	See below
	A. The Constitution, by not delegating certain powers to Congress or the President, prevents elected representatives from doing certain things which the majority of the people may desire at any one time.	29,30,83-85,96

	B. The separation of powers reflects a dependence on the intra-institutional limits to the powers of government rather than a dependence on the external controls of electorates and public opinion.	86,96
	C. Constitutions may forbid the granting (or limit the granting) of powers by the legislature to the executive.	84,85
	D. The American bill of rights and some other provisions of the Constitution have the practical effect of saying that a majority of Americans acting through their representatives cannot abridge freedom of speech, press, religion, due process, and equal protection of the law.	13,22,23,27,28,29,31,44,86, 126,129,131,132,136i,141, 142,146,147,150,156,158,164, 165,174,176,180,181,190,195, 239
G9. The contrast between democratic and non-democratic political systems may be looked at as a conflict in basic underlying values.	IX. The contrast between democratic and non-democratic political systems may be looked at as a conflict in basic underlying values.	See below.
	A. There is a difference in value assumptions about the individual, his worth, and competence.	12-15,18,19,22-24,26-31,33, 34,86,96,107,109,113,123-125,129,131,132,136a,139, 141,142,157,161,163-165,169, 174,175,178,179,190,194,195, 220,235
	1. Democracy accords the individual a greater role in the direct determination of his destiny. (Free speech and press are considered essential to majority rule as well as to minority rights.)	86,96,178,179,195

	2. Related to the issue as to the place of the individual are the concepts of equality, liberty, and justice. (Democratic political systems protect the individual's right to due process of law, freedom of speech, press, religion, etc., and equal justice even though the individual may be in a minority.)	12-15,18,19,22-24,26-31,33, 34,70,86,96,107,109,112,113, 120,123-125,129,131,132,136a, 139,141,142,157,161,163-165, 169,174,175,178,179,183,190, 194,195,235
G9a. Government action may both restrict and protect individual rights.	B. In a democracy government action may both restrict and protect individual rights.	22-24,26,28-31,51,70,85,96, 107,109,110,112,113,115,120, 121,123-126,129-133,136i, 139,141,143,146,147,150,153, 156,157,159,160,165,167-172, 176,178,179,182e,185,195,220
	1. The judicial system may seek to curb action by governmental agencies which menace the rights of individuals or groups.	22,23,28-31,85,96,109,112, 113,115,126,129-133,136i, 139,143,150,156,159,161,165, 172,176,182e,195
	2. The government may curb freedom by altering or limiting the freedom of speech, right to lawyers, right to writ of habeas corpus, etc.	28,85,107,109,112,111,115, 120,121,123,124,125,131,132, 136i,139,141,146,147,153,159, 165,167,170,171,176,178,179
	3. The government may curb non-governmental menaces to freedom; the courts may decide cases so as to give individuals damages for things others have done to them which curb their freedom.	51,157,168,169,195
	a. Slander and libel cases protect a person's reputation and indirectly his freedom.	180
	b. Civil cases protect a person's freedom against damages.	51
	c. Equity cases permit individuals to prevent damages to them.	51
	d. The government may try to stop lawless mob action.	15,168,169

G10. Freedom's relationship to democracy is a close and obvious one; the competition in goals, and the ability to oppose which democracy presupposes, all depend on a high degree of personal freedom.	X. Freedom's relationship to democracy is a close and obvious one; the organization of majorities, the competition in goals, and the ability to oppose which democracy presupposes, all depend on a high degree of personal freedom.	167,176,178,179,182b,183, 185 and see below.
	A. The U.S. Supreme Court has accorded the first amendment freedoms (including those of speech, press, and assembly) a preferred position largely on the grounds of their importance for a continued democracy.	109,180,181,184,189,195,197
	B. Some of the procedural rights safeguarded are essential to preserving the first amendment rights and so are essential to preserving democracy.	28,165,184,195,197
	1. Unless a person has a right to a writ of habeas corpus he may not be able to use his constitutional rights under the first amendment.	28,184,195
	2. Unless a person has a right to a fair trial, he may not be able to prove that he has been deprived of his rights under the first amendment.	165,184,195
G11. Democracy is a complicated consent and consensus system in which consent may move from government to citizen as well as from citizen to government.	XI. Democracy is a complicated consent and consensus system in which consent may move from government to citizen as well as from citizen to government.	See below.
	A. The agencies of political socialization include those within the government as well as those without.	84,109,115,129,130,139, 185

1. The decisions and opinions of the Supreme Court have an influence upon attitudes of other justices, lawyers, legislators, and the general public. 84,115,129,130,139

2. Public opinion affects the attitudes of judges and their decisions. 109,115,126,185

B. Individuals know the political system as a set of images and pictures created for them by communicators; they react to these images rather than to the real world and real people. 11,199,238

1. Judges as well as others have created an image of the role of judges as being outside of the political process; people have come to believe that judges merely apply the law, without letting their attitudes affect their decisions. 11,199,238

2. People who have become judges have been more likely to speak and write to create an idealized image of the role of the judge than they did before they became judges. 92,238

C. Ideology is associated with those people in the political system with the greatest political awareness, involvement, and information. 115,129,130,139,185,202

1. Ideology by its nature requires some education and intellectual sophistication; less intellectual groups will respond politically to personalities, immediate gut issues, symbols, or habitual responses. 139,185,202

2. One finds ideology strongest among the partisans of the political party because 202

	involvement, knowledge, etc. brings them to the party. (Most federal judges come to the court after holding other political office; they are likely to have developed an ideology which will affect their decisions.)	
	3. Judges are able, through their opinions, to help bring about changes in public opinion which bring reality into greater balance with ideology.	115,129,130,139
G12. Constitutions change by formal amendment and by changes in custom and interpretation.	XII. Constitutions change by formal amendment but more importantly by changes in custom and interpretation.	241 and see below.
	A. The U.S. Supreme Court has given new and changing interpretations to constitutional clauses.	22,23,109,115,126,129,130,136a,146,150,156,162,165,174,182b,182e,187,188
	1. It has permitted Congress to protect civil rights in dwelling places and stores under the commerce clause.	194
	2. It has insisted upon more and more procedural safeguards under the due process clause, such as the right to a court-appointed lawyer if a person is too poor to pay for one.	109,115,126,129,130,136a,165
	3. It has insisted upon uniform protection against evidence obtained by unlawful means. This has resulted in part because of the passage of an amendment.	22,23,27,146,150,156,162,168
	4. It has shifted from its "separate but equal" interpretation of equal protection to insistence upon desegregation.	190

5. It has broadened the 8th amendment provision on "cruel and unusual" punishments. 174

B. The Supreme Court has interpreted the Constitution to mean that it has the power to declare federal and state laws and executive actions unconstitutional; the Constitution does not give it this power in so many words. 82-85

C. Constitutions may be written documents, but in some cases they exist wholely or in large part as custom and tradition. 23,45,46,84,92,107,115,126,129,136g,136h,146,147,150,156,162,164,180,182b,187,188,222

1. In Great Britain there is no single, codified constitutional document; the British constitution is a collection of specific documents, laws, traditions, practice, etc. 84

2. Even the U.S. Constitution, which does exist in a single document, exists also in part in judicial interpretation, law and custom. 23,45,46,84,92,107,115,126,129,136g,136h,147,150,156,162,164,174,180,181,194,222

a. The Constitution guarantees the right to a jury, but this right is defined more specifically by the courts in terms of the customary practices when the guarantee was added to the Constitution. 164

b. The Supreme Court's role in political disputes arises out of its own interpretation of the Constitution. 84,136h,194

c. The federal structure has been modified by interpretation and custom. 136g,156

	d. Laws can affect the role of the Supreme Court by changes in jurisdiction over disputes which the Court can hear.	62,67,222
	e. The meaning of many terms has been modified by interpretation.	23,45,46,90,107,109,115,126,129,136h,147,150,156,162,174,181,182b
	f. Norms have modified the President's power to appoint.	92
G13. The political system includes a number of major components each of which affects the other components.	XIII. The political system includes a number of major components, each of which affects the other components.	97 and see below.
	A. The executive and legislative branches of government affect the judicial branch and are in turn affected by it.	61,62,67,82-85,92,95,218,222
	1. The President and Senate combine to appoint judges to federal courts.	92
	2. The Supreme Court can declare acts of Congress or the President unconstitutional.	81-85
	3. The Congress can take away the right of the Supreme Court to review certain types of cases.	62,67,95,218,219,222
	4. The Congress can increase or decrease the number of judges on any court, including the Supreme Court.	62,95,218
	5. The Congress can limit the right of other federal courts to hear certain kinds of cases.	61

G13a. A law or policy or court decision must be effectuated and applied; in that process the whole decision-making and influence process goes on again.

B. A law or policy or court decision must be effectuated and applied; in that process the whole decision-making and influence process goes on again. 45,46,76-84,120,123,126,129, 136b,136g,147,148,153,168, 182c,190,191,218

1. Congressional acts have effect only if enforced by executive officials and courts. 81,82,84,148,153

2. Decisions of courts must be effectuated by other governmental bodies and officials. 79,80,115,120,123,129,136g, 182c,190,191,218

   a. Lower courts must follow the Supreme Court's rulings for its decisions to have any effect beyond a single case--or even on that case if the case is sent back to the lower court for a retrial. 115,120,123,129,136g,218

   b. Government officials must carry out decisions by taking action if people do not pay damages, if they are sentenced to prison, if they are ordered to stop doing something, etc. 79,80,190

3. Constitutional restrictions have no effect unless they are enforced. 83,84,170

4. Enforcing officers must decide how, when, and with what degree of stringency to enforce legal restrictions. 75-78,126,136b,136g,147, 148,153,156

   a. The Supreme Court must decide with what degree of stringency to enforce the due process and equal protection clauses of the Constitution. 109,115,126,136b,147,148, 153,156

	b. Lower courts must decide with what degree of stringency to enforce Supreme Court rulings.	115,136g
	c. Prosecuting attorneys must decide how, when, and with what degree of stringency to enforce laws.	76-78,148
	d. Police also have some leaway in enforcing laws.	75
	C. Judicial decisions affect not only the parties to the dispute but other Americans too.	23,47,84,129,136j,147,156, 160
	1. A case may bring about a new constitutional interpretation of the rights of Americans.	23,129,147,160
	2. A case may result in the Court's declaring a congressional or Presidential act unconstitutional; this act may affect all Americans.	84
	3. Legal reasoning in new cases is dependent upon decisions in past cases.	45,47,186j,147
G14. An institution is an interrelated cluster of roles and the attached meanings and values; changes in these roles and their relationships bring changes in the institution.	XIV. An institution is an interrelated cluster of roles and the attached meanings and values; changes in these roles and their relationships bring changes in the institution.	
	A. Institutions can be distinguished from other integrated groups in that they are present in many societies and are relatively permanent role relationships. (Our court system is more permanent than many integrated groups such as interest groups, clubs, etc.)	237

B. Every member of a group has a position in relation to every other member of the group. For every position there is a fairly well-defined way of behaving, known both to the holder of the position and to the other members of the group. 62,64,123,126,170,237

1. Supreme Court justices have a position in relationship to other Supreme Court justices and to lower court justices; circuit court judges have a relationship to trial judges. 123,237

2. The Chief Justice has one position and role; the other justices have other roles; the Chief Justice's role may change over time. 126,237

3. Judges have one position and role, juries have another, lawyers still another, and all are related to each other. 62,64,170,237

4. Judges, lawyers, and jurors are supposed to behave in certain well-defined ways. 62,64,170,237

C. The structure of an institution varies with the personality of the individuals who act out the roles. 215,237

1. Most roles allow for some individual variation. 215,237

2. How one role is played influences how other roles are played; if the Chief Justice does not assume both the task and social leadership aspects of his role, other justices may assume them. 215,237

	D. Changes in institutions are consummated by changes in roles and consequently by changes in relations among members of the group involved and between these members and outsiders.	67,84,85,88,172,186,219, 222,236,237
	1. The judicial system in this country changed as a result of a change in the role of Supreme Court justices in reviewing cases from state courts and other governmental units.	84,85,88,237
	2. The judicial system changes if juries are dispensed with in state courts.	229,236
	3. The judicial system changes as governmental units add public defenders or even public detectives.	236
	4. The judicial system in this country changed as federal judges assumed the role of issuing writs of habeas corpus if they felt people who asked for the writ had not been given due process in state courts.	172,237
	5. The judicial system in this country would change if Congress were to take away the right of the Supreme Court to review cases from state courts--in other words if Congress changed the role of the Supreme Court justices in relationship to the role of state court judges.	62,67,84,219,222
G15. The leadership of any group must try to maintain group cohesion and harmony and also must organize its strategies or provide intellectual leadership.	XV. The leadership of any group must try to maintain group cohesion and harmony and also must organise its strategies or provide intellectual leadership.	See below.

	A. Both leadership roles may be met by the same person, or they may be met by several people. Some Chief Justices have assumed both roles, some only one, some neither.	214,215
	B. Leadership roles may be played by people in official positions or they may be assumed by other members of a group. When Chief Justices have not assumed one or both roles, other justices have frequently assumed them.	214,215
	C. If leadership of a group does not meet both social and task needs, the group becomes less effective in achieving its goals.	214,215
G16. Political activity, by which the individual seeks his goals and interests through the political system, takes any number of forms, depending on the nature of the system and varies greatly in incidence.	XVI. Political activity, by which the individual seeks his goals and interests through the political system, takes any number of forms, depending on the nature of the system, and varies greatly in incidence.	122 and see below.
	A. The individual may attempt to achieve his goals by beginning or helping with litigation to test constitutional cases; he would not be likely to do so under a dictatorship.	94,133,153,154,161,178, 182e,185,192,193,
	1. He may do this as an individual.	110,133,153,154,161,170
	2. He may join an interest group to organize litigation.	94,133,182e,185,192,193
	B. An individual may write legal articles for legal journals in an effort to change interpretations of laws or the Constitution.	94,117

C. The incidence of political activity varies considerably from political system to political system and within the same system. 134,154

1. Differing levels of litigation activity are related to a number of factors such as educational level, time, financial resources, and formal legal limits on activity. 94,134

2. The incidence of litigation activity may vary with the degree to which an individual or group can achieve his or its goals through other types of political and non-political activities. 94

OBJECTIVES

G1. All societies have potential conflict among their members and must work out means of accommodating differences.

S. Uses key words to skim to locate information.

S. Applies previously-learned concepts and generalizations to new data.

G1a. In political conflict there is a struggle over scarce values or goals.

G1 All societies have potential conflict among their members and must work out means of accommodating differences.

S. Uses specialized references such as almanacs.

TEACHING OUTLINE #2 (In order of presentation)

I. Our society has much conflict and potential conflict among its members; it has developed a judicial system to settle legal disputes while preserving as many individual rights as possible even for those accused of crimes.

A. Thousands of cases of conflict get into our courts each year; if they were not settled in courts, they would be settled in some other way.

TEACHING PROCEDURES IN ORDER OF USE Initiatory Activities.	OUTLINE OF CONTENT #1	MATERIALS OF INSTRUCTION
1. Have pupils list types of court cases which they know about. (A pupil might make a list on the board.) Ask pupils how many of them know someone who has been in court. Work out a percentage for the class. (X% of the class members know someone who has been in court.)	I	
2. Have pupils skim through newspaper for one day to find references to courts, arrests, and court cases. Before they start, review the skill of skimming. (If this has not been done in an earlier unit, point out that they can locate their own name on a long list of names very quickly. Do they have to read through all the names? Why not? Suggest that they need to identify key words to keep in mind while skimming.) Now ask: What words would you look for while skimming today? (e.g. court, arrest, policy, judge.) If pupils see an article on an arrest or court case in which the headline uses another word that could be used as a key word, they should write it down. Pupils should skim headlines only. They should make a list of the kinds of cases and the number of cases they find. Afterwards, ask pupils what key words they would add to list of key words if they were doing this again. Ask: How many cases did you find already in court? How many arrests? What were the arrests and cases about? (What conflicts were involved? Why would we call these examples of political conflict?) Have one pupil make a list of the types of cases on the chalkboard. Another should copy it for future reference.	IA	Daily newspaper from local area
3. Show pupils a chart on the number of traffic cases handled during the previous year in his own city or town.	I	
4. Read aloud statistics on the number of crimes committed last year in the United States. Use an almanac and tell pupils where you found this information. (Divide the total number of crimes by 365 to get the number of crimes committed each day.)	I	World Almanac

G1a In political conflict there is a struggle over scarce values or goals.

G1. All societies have potential conflict among their members and must work out means of accommodating differences.

S. Uses key words to skim to locate information.

G1a1 The community demands order, and stability--goals which may be incompatible with the demands of individuals. The continuing attempt to solve the dilemmas of this conflict is, perhaps, the central problem in all attempts to create and modify political institutions.

5.	Tell pupils the total number of crimes committed and recorded during the past year in the local city or county. (Or use the number committed and recorded during the past month or two months.)	I	
6.	Ask: Do you think that the cases included under "crimes committed" in U.S. or our city are the only kinds of cases which come into our courts? What kinds of cases might not be counted here? Pupils might look over the list they have compiled from the newspaper and locate cases which would not be tried as crimes (e.g. civil cases).	IA1	
7.	Have pupils look at the number of cases brought to courts in a specific year. Why are some of the figures only estimates? Why are more accurate figures given for certain kinds of courts?	I	See appendix.
8.	Give pupils statistics on the length of time people have to wait to have a case heard because of the number of cases. (These are civil cases, but do not try to define the term now. Just refer to the specific kind of case.)	I	See Friggs, "Here's Hope for Speedier Justice." Reader's Digest, April, 1960, pp. 197-200,202.
9.	Have a volunteer keep a record of all court cases reported in the local newspaper for the period of one week. Remind him to skim headlines.		
10	Hold a discussion. Point out that it is obvious that there is conflict between people when someone brings a case against someone else for damages--as in car accident cases. But is there any conflict represented when someone is tried for robbery or murder? If so, what are the issues involved?	IA1b, 2a	

B. Generally, Americans believe that a person does not get a fair trial unless certain procedures are followed in arrests, while a person is awaiting trial, and during the trial. Not all people of all ages or countries or even all Americans have believed this; moreover, ideas about what these procedures should be are changing.

A. VALUES PROCEDURAL SAFEGUARDS FOR A FAIR TRIAL OF THOSE ACCUSED OF CRIMES.

G9. The contrast between democratic and non-democratic political systems may be looked at as a conflict in basic underlying values.

G8. Constitutions may contain negative prohibitions as well as grants of power and statements of relationships; that is, they may in democracies prevent majority action on some subjects or at least slow down such action.

1. During medieval times in Europe, people developed very different procedures than ours for trying to ensure a "fair trial."

G6. The contrast between democratic and non-democratic political systems may be looked at as a conflict in basic underlying values.

2. Non-democratic political systems place much less emphasis upon the value of the individual as a human being; they do not provide as many safeguards as democratic systems do.

11. Give pupils a word association test. Ask them to write down the first three words which come to their minds when they haar each word. Then give them the following list, pausing for their reactions between words: XIB1

Judge	Justice of the Peace
Constitution	Bill of Rights
Supreme Court	Fifth Amendment
Civil Liberties	First Amendment

Go over results. Write responses on the board. Is there any agreement? Are the words given more favorable or unfavorable for each? (Some may carry no emotional reaction at all. How many pupils respond to each word in such a non-emotional way?) Point out that each pupil already has some attitudes towards at least some of these words. How do they think they acquired them?

12. Have pupils read "Trial by Ordeal, Oath, and Combat." Discuss: Would you like to substitute one of these types of trial for our present-day system (insofar as you know about it already)? Why or why not? IXA2 "Selected Readings on Judicial Process," #1

13. Have each pupil make a list of what he thinks would be necessary for a fair trial and for fair treatment when arrested and while awaiting trial. He should place this list in a left-hand column. In a second column, he should make a check every time during the unit that he finds that this requirement is safeguarded by the federal Constitution. He should draw a line below his original list and in the second column add rights guaranteed by the Constitution which he did not list originally. VIIID, IXA2

14. Have pupils read "Trial by Secret Police". Ask: If you were arrested, would you like this kind of trial? What do you think of putting a person in prison on suspicion that he may commit a crime in the future? Do we have anything resembling this in this country? (Is life imprisonment for the 4-time repeater of crimes based on suspicion?) Do you think any Americans have every been kept in jail without a public trial? Do IXA2 "Selected Readings on the Judicial Process, #2

A. VALUES PROCEDURAL SAFEGUARDS NEEDED FOR A FAIR TRIAL FOR THOSE ACCUSED OF CRIMES.

Glal. The community demands order and stability--goals which may be incompatible with the demands of individuals. The continuing attempt to solve the dilemmas of this conflict is, perhaps, the central problem in all attempts to create and modify political institutions.

A. VALUES PROCEDURAL SAFEGUARDS NEEDED FOR A FAIR TRIAL FOR THOSE ACCUSED OF CRIMES.

3. Americans have not always provided these safeguards despite our constitutional guarantees; moreover, our ideas about what safeguards are needed have changed and are still changing.

A. IS CURIOUS ABOUT SOCIAL DATA.

S. Reads material dealing with legal terms with comprehension.

A. IS COMMITTED TO THE FREE EXAMINATION OF SOCIAL ATTITUDES AND DATA, SEARCHES ACTIVELY FOR DIFFERENT POINTS OF VIEW AND INTERPRETATIONS. VALUES INDEPENDENT THOUGHT.

. IS CURIOUS ABOUT SOCIAL DATA.

not try to answer this last question now. Ask pupils to try to find out during the course of the unit. (Be sure that pupils realize that the Soviet Union has now abolished the secret trial by secret police.)

15. Show the film Due Process of Law Denied. Discuss it in terms of the need for a fair trial. Does a trial always guarantee that an innocent man will go free? If not, is it better than no trial at all? (Before showing the film, ask pupils what they think the words "due process" means. Define the term briefly as it is done in the Gideon case study. For the purposes of this film the term means fair trial.) Discuss: Why do you think the accused were not given a fair trial? (Analyze in terms of type of conflict.)

IA2a
IXA2

Film: Due Process of Law Denied (T.F.C., 22 minutes, 1942) (A cutting from Ox-Bow Incident)

16. Give a pretest on a number of terms which will be studied in this unit. (Do not discuss the meanigg of the terms at this point. Rather, tell the pupils that they will learn the meaning of these terms during the course of the unit if they do not already know them. They should make a list of the ones they had incorrect and look for the definitions as they do their reading.) They might also begin a Dictionary of Legal Terms. Include the following question on the pretest: In what ways can our Constitution be changed?

17. Give pupils an attitudes scale. Include some of the items on the Purdue Opinion Poll for young people. Add a few items which were issues in the Gideon and Irvine cases. Discuss the results. Compare the results on the Purdue items with the results from the national surveys of young people. Have each pupil make a list of the issues on which he disagrees with the majority of young people who answered the poll in the Purdue survey. Pupils should save their original answers and compare them with their answers at the end of the unit, when they can also be asked why they have changed their minds--if they have.

See Remmers and Radler, The American Teenager, pp. 187-190.

Remmers and Franklin, "Sweet Land of Liberty," "Phi Delta Kappan, Oct., 1962, pp. 23-24.

C1. All societies have potential conflict among their members and must work out means of accommodating differences.

C9. The contrast between democratic and non-democratic political systems may be looked at as a conflict in basic underlying values.

A. VALUES PROCEDURAL SAFEGUARDS NEEDED FOR A FAIR TRIAL FOR THOSE ACCUSED OF CRIMES.

S. Distinguishes between facts, inferences, and value judgments.

18. Have a pupil prepare a bulletin board entitled: "Why Courts?" IB1 IXA2

19. Go back over some of the words used by pupils as they reacted to things they have read or seen (e.g. "Trial by Ordeal, Oath, and Combat", "Trial by Secret Police", Due Process of Law Denied). Remind them also of some of the things they have said as they made lists of things needed for a fair trial or as they discussed the amount of crime in the community and country. What values do they hold that make them react to the lack of certain safeguards in trials? What values do they hold that make them want to have court proceedings to settle conflict rather than personal combat? IXA2 Dictionary

Place the following words on the chalkboard: crime, justice, judge, judicial, judiciary, just, judgment. How are some of these words used in everyday conversations? (Give examples, if pupils do not. e.g. It's a crime that so and so happened. There was no justice to what happened to Mr. Brown in that car accident. There was no justice to that team's defeat in the last game of the state basketball tournament. He was a good judge of music or a good judge of horses. It was a judgment against him.) Discuss what is meant by the words listed on the chalkboard as they are used in such sentences. If pupils are not yet convinced of the value-laden aspect of these words, read some of the definitions of these words in the dictionary. In other words, help pupils understand that certain values are inherent in our whole idea of a judicial system. They are assumed as being the goal of that system.

20. Have pupils define the difference between facts, inferences, and value judgments. Give them exercise #1. Discuss the results and try to clarify pupils' ideas about the differences. See Appendix.

A. VALUES OBJECTIVITY AND DESIRES TO KEEP HIS VALUES FROM AFFECTING HIS INTERPRETATION OF EVIDENCE, ALTHOUGH RECOGNIZING THE IMPORTANT ROLE OF VALUES IN THE PROCESS OF MAKING DECISIONS ABOUT PROBLEMS WHICH DEMAND ACTION.

A. IS COMMITTED TO THE FREE EXAMINATION OF SOCIAL ATTITUDES AND DATA. SEARCHES ACTIVELY FOR DIFFERENT POINTS OF VIEW AND INTERPRETATIONS. VALUES INDEPENDENT THOUGHT.

A. BELIEVES THAT THE SOCIAL SCIENCES CAN CONTRIBUTE TO MEN'S WELFARE BY PROVIDING INFORMATION AND EXPLANATORY GENERALIZATIONS WHICH HELP THEM ACHIEVE THEIR GOALS.

G9. The contrast between democratic and non-democratic political systems may be looked at as a conflict in basic underlying values.

A. VALUES PROCEDURAL SAFEGUARDS NEEDED FOR A FAIR TRIAL OF THOSE ACCUSED OF CRIMES.

G8. Constitutions may contain negative prohibitions as well as grants of power and statements of relationships, that is, they may in democracies prevent majority action on some subjects or at least slow down such action.

G12. Constitutions change by formal amendment and by changes in custom and interpretation.

a. The safeguard against self-incrimination has sometimes been violated and ideas about what constitutes self-incrimination have changed; however, the Supreme Court has tried to protect this right.

G9. The contrast between democratic and non-democratic political systems may be looked at as a conflict in basic underlying values.

21. Discuss the ways in which political scientists can help in the examination of our judicial system, other than by describing its organization and how it operates. (e.g. It can provide data on the values which Americans hold about our judicial system or of the attitudes of judges. It can provide data on how values have affected our judicial system in the past. It can provide data on the practical consequences of operating on the basis of different value positions. By so doing, it can show inconsistencies between certain value positions.) Pupils should be asked to try to identify their own values as well as those of the American people. And they should try to decide whether their attitudes, as shown in the attitudes scale, are consistent with their basic values or with those of the American people. They should try to decide whether or not our judicial system measures up to the values of the American people or to their goals for a judicial system. However, they should constantly be alert to recognize the differences between values and inferences.

22. Have the pupils read and discuss the questions in the first paragraph of "Self-Incrimination." Then have them read the rest of the paper.

IVE2h, 3d, VIIID IXA2, B1 XIIA3

West, "Self-Incrimination"

23. Discuss: Do you think we need a constitutional guarantee against self-incrimination? Why did the authors of this amendment think it was needed? How do Supreme Court decisions in specific cases affect people who are not parties to the case? How might they affect mem-

IA2a IVC1a,c;

G9. The contrast between democratic and non-democratic political systems may be looked at as a conflict in basic underlying values.

S. Identifies assumptions.

S. Identifies assumptions.

bers of the class? What kinds of conflict were involved in these cases? In the issue as to whether or not to permit lengthy questioning before bringing charges? If students fail to point it out, call their attention to the fact that these people did confess their guilt. Should they have been permitted to go free just because the police officials did not abide by certain procedures? How did the cases just studied illustrate ways in which government can restrict the rights of individuals? How can they it preserve these rights? E2h,3d VIIID IXA2,B1 XIIA3, C2e XIIIC1

24. Take three pupils out of the room and let each examine one object which you have in a box. Tell one pupil that he is the guilty person. When you bring these pupils back to the room you will ask each what object he has seen in the box and will cross-examine him. The guilty person is to describe a different object than the one actually seen. Now return to the room and cross-examine one pupil at a time. Try to put the student on the spot and get him to contradict himself or seem unsure. Ask pupils to decide which person is not telling the truth. Now discuss: Suppose we had cross-examined these people for six hours rather than just a few minutes. What might have happened? Relate this activity to the protection against admitting confessions obtained through long, continuous interrogations. IXB

25. Review the meaning of "assumption." Use examples in terms of arguments used by pupils in class discussions. Give exercise #2. Discuss results, trying to clarify meaning of term and help pupils identify assumptions. See Appendix.

26. Read aloud a quotation from someone who has attacked the Fifth Amendment provision against self-incrimination. Discuss the assumptions of those who take this position. Is this also an assumption of those members of the class who thought that the people described in the paper on "Self-Incrimination" should not have gone free? Are there any facts which might be used to challenge this assumption? IA2a IXA2

G8. Constitutions may contain negative prohibitions as well as grants of power and statments of relationships; that is, they may in democracies prevent majority action on some subjects or at least slow down such action.

G9. The contrast between democratic and non-democratic political systems may be looked at as a conflict in basic underlying values.

A. VALUES PROCEDURAL SAFEGUARDS NEEDED FOR A FAIR TRIAL OF THOSE ACCUSED OF CRIMES.

G1a1 The community demands order and stability--goals which may be incompatible with the demands of individuals. The continuing attempt to solve the dilemmas of this conflict is, perhaps, the central problem in all attempts to create and modify political institutions.

G10. Freedom's relationship to democracy is a close and obvious one; the organization of majorities, the competition in goals, and the ability to oppose which democracy presupposes, all depend on a high degree of personal freedom.

G8. Constitutions may contain negative prohibitions as well as grants of power and statements of relationships; that is, they may in democracies prevent majority action on some subjects or at least slow down such action.

G9. The contrast between democratic and non-democratic political systems may be looked at as a conflict in basic underlying values.

b. The Constitutional safeguard of the right to a writ of habeas corpus has at times been violated; however, the Supreme Court has attempted to protect this right.

C. By and large, Americans agree that a person should not be arrested, held and sentenced to prison or punished in other ways unless he has broken a law, been tried, and convicted.

27.	Have pupils start a list in their notebooks of kinds of evidence which cannot be admitted in trials. They should write a brief paragraph after each type, explaining the reason for its exclusion. They should add to this list as they study the unit.	IVE2g,h,3d, VIIID IXA2 XIIA3	
28.	Have pupils read material on the Writ of Habeas Corpus. Discuss: What might happen to those who oppose the government in power if there were no right to habeas corpus? Do you agree with the law professor who said that the writ of habeas corpus is the most important right in the Constitution? (Let pupils come to a tentative conclusion. Tell them that they will discuss this question more thoroughly after they have read more about the other rights.) Discuss: Why do police officials sometimes refuse to follow procedural requirements? What is the conflict involved in the cases studied so far on habeas corpus and self-incrimination cases?	IA2a IVE2h,3d VIIID IXA2,B1,2 XB1	West, "Bills of Attainder, Ex Post Facto Laws, and Habeas Corpus."
29.	Have pupils read the project material on Bills of Attainder and Ex Post Facto laws. Discuss: Do you think we need these constitutional guarantees? What are the arguments against letting legislatures pass judgment on individuals? Do we have anything in legislatures today	IV VIIIA,D IXA2,B1	West, "Bills of Attainder, Ex Post Facto Laws, and Habeas Corpus

G8. Constitutions may contain negative prohibitions as well as grants of power and statements of relationships; that is, they may in democracies prevent majority action on some subjects or at least slow down such action.

1. The federal Constitution protects people against bills of attainder and ex post facto laws. Although these guarantees have been violated at times, the courts have tried to uphold them.

G1a1 The community demands order and stability--goals which may be incompatible with the demands of individuals. The continuing attempt to solve the dilemmas of this conflict is, perhaps, the central problem in all attempts to create and modify political institutions.

G9b. Government action may both restrict and protect individual rights.

2. Even with procedural safeguards, some innocent men are convicted and sentenced to prison; however, they have a greater chance for justice than those in times and places where these safeguards were not protected.

S. Evaluates information in terms of bias and competency of author (witness).

A. VALUES PROCEDURAL SAFEGUARDS NEEDED FOR A FAIR TRIAL OF THOSE ACCUSED OF CRIMES.

which is at all similar to legislative trial and punishment without a court trial? (Perhaps bring in examples of congressional investigations.) Have you ever felt that you have been subjected to ex post facto decrees by your parents or school? Is there any reason for differences in requirements for legislatures and parents or schools? Can people be punished by courts for acts which are not prohibited by statute (as parents and schools may punish pupils)? (Let pupils discuss this last point, but do not try to come to any conclusion now. Tell pupils they should find the answer as they study.)

30. Have pupils begin a list of civil liberties other than those needed for a fair trial or for fair treatment after arrest. They should put the right in a left-hand column and place reasons for this right in the right-hand column opposite it.

IVE2i
VIIIA
IXA2,B1

31. Have pupils read "The Case of Sam Thompson". Discuss: Was he arrested for a real crime or on suspicion? Do you think that this case shows that poor people have a hard time getting justice in this country? What was the conflict issue in this case? (Although this case shows a most unusual kind of appeal from an inferior court directly to the Supreme Court, do not discuss this point here. Merely point out that a number of cases are taken to the Supreme Court.)

IA2a
IVE2i
VIIID
IXA2,B1

"Selected Readings on the Judicial Process", #3

32. Do an experiment on accuracy of testimony. Show the class the film Fidelity of Report, without any introduction. Stop the film when the crime has been finished. Then ask pupils to be the witnesses to the case. Have each witness answer a series of questions such as those a person on the witness stand might be asked about such a crime. Compare results. Then show rest of film which repeats the enactment of the crime. Have pupils discuss the accuracy of the class members as witnesses. Discuss: Would you be more likely to provide accurate testimony on the crime shown in the film than if you were a witness to a real

Film: Fidelity of Report
Pennsylvania State University, 1 reel

G9. The contrast between democratic and non-democratic political systems may be looked at as a conflict in basic underlying values.

G1b. The political system is the authoritative allocator, the mechanism by which society finally and ultimately decides which interests, goals, and wants shall be enforced on and in society.

G1 All societies have potential conflict among their members and must work out means of accommodating differences.

D. The court system is part of a Political system which is the authoritative allocator, the mechanism by which society finally and ultimately decides which interests, goals, and wants shall be enforced on and in society; it is universal for our society, it enjoys legitimacy, and it has behind it the authority of the political system.

crime? Why or why not? Remind pupils of the problems of identification on the two cases which they read about innocent men convicted of crimes. What implications are there for the need for safeguards in trials? Discuss: What makes a good witness? (Be sure to discuss the importance of opportunity to observe, how closely the witness was observing event, training and other qualifications for observing, bias, etc.)

33. Have each pupil read about an innocent person who has been convicted. Discuss: What reasons did you find for the conviction of an innocent man? Did these men have any advantages over those in the film Due Process of Law Denied? Over those tried by ordeal or combat? By those tried in secret by the secret police? IXA2

Silbert, Judge Sam, pp. 88-93

Greenwald, "Ordeal of an Innocent Man," Saturday Evening Post, Oct. 5, 1963, pp.82 ff.

34. Show the film edited from the NBC television report about people who have not been given a fair trial or treatment by the police. What kinds of safeguards were lacking? Why were these innocent men accused and sometimes convicted? IXA2

Film: Criminal Justice in the U.S. (NBC White Paper edited for schools). EBF, 32 minutes.

35. Review with pupils the meaning of the "universality" of the political system. Do other groups and organizations settle disputes among their members? (Families? Religious Groups? Clubs, Schools?) Why is the Court system considered to have universality? IB2

A. VALUES OBJECTIVITY AND DESIRES TO KEEP HIS VALUES FROM AFFECTING HIS INTERPRETATION OF EVIDENCE, ALTHOUGH RECOGNIZING THE IMPORTANT ROLE OF VALUES IN THE PROCESS OF MAKING DECISIONS ABOUT PROBLEMS WHICH DEMAND ACTION.

G1b. The political system is the authoritative allocator, the mechanism by which society finally and ultimately decides which interests, goals, and wants shall be enforced on and in society.

A. IS CURIOUS ABOUT SOCIAL DATA AND HUMAN BEHAVIOR

E. Despite the general acceptance of our court system, there have been criticisms of the way in which it operates.

36. Have pupils choose one of two written projects: (a) My dream that all courts in this country were abolished; (b) My dream that no one in my community would obey court decisions. They are to include the effects of such situations on the community and on them. Later, read aloud several of each type of imaginary dream. IB1,3

37. Summarize the need for a court system but make sure pupils identify values. Discuss the problems which would arise if people did not accept the authority of the courts--if they did not accept their legitimacy. Relate to what pupils have studied earlier. Could a government operate effectively if people did not accept its rule as legitimate? Would they obey laws of legislatures? What would a government (say a dictator) have to do to maintain itself if the people did not accept the idea that we should have courts and that they had a right to make decisions which should be accepted by the parties to the dispute or enforced upon them by the power of the government? Why do you obey laws? If a court ordered you to pay a fine for a traffic offense, would you do so? Would you wait until someone compelled you to do so? If a court ordered you to pay damages to some other person, what would you do? Why? Do people obey laws and court decisions only because there is a threat of force? Do courts enforce their own decisions? (Tell pupils that if they do not know, they will find out during the unit.) IB1,3,4

38. Tell pupils about some of the verbal attacks on the Supreme Court by members of the House of Representatives during a debate on pay raises for the judges. (e.g. Members of the court don't work hard enough. "They knock off for the summer and don't come back until September or later." They already get many fringe benefits such as pension funds for their wives. Court members have not had enough experience as judges to merit such a raise. The Court is poking about in the business of other government departments and so causing friction.) Ask: Why do you think representatives were so critical of the Court? Do you think the expressed reasons are the real ones? Could there be hidden reasons? Do you think these criticisms are widespread? (Suggest that they will find out more about criticisms of the Court during the unit.) IB3

S. Interprets cartoons.

S. Uses the READER'S GUIDE TO PERIODICAL LITERATURE.

S. Uses CURRENT BIOGRAPHY and WHO'S WHO IN THE U.S.

S. Uses yearbooks such as almanacs, U.S. GOVERNMENT ORGANIZATIONAL MANUAL, state LEGISLATIVE MANUAL.

S. Communicates effectively through round-table discussions. (Keeps to the point, helps move the discussion along, follows an organization, summarizes.)

39. Show cartoons which are critical of courts or of the American system of justice. (Perhaps even show some appearing in other countries such as communist countries.) Have pupils analyze the devices used to put across the idea in each cartoon. Tell pupils that they can decide later whether they think these criticisms are justified. IB3

40. Give pupils an overview of the unit, including suggestions for individual activities. Have pupils add to these suggestions. Then have them list their first, second, and third choices on a sheet of paper and turn it in. Assign projects the next day.

Developmental Procedure

41. Review with students the use of the Reader's Guide to Periodical Literature which some of them will need to use in locating information for reports and roundtable discussions. Project a page with the opaque projector or write an entry on the blackboard. Ask class to explain abbreviations. Then give class a list of possible topics which they might wish to look up in the Guide. Ask them to underline the key word which they would look up in trying to locate articles on each topic. Discuss the exercise. (e.g. Small Claims Court; Jury Trials; Chief Justice; Supreme Court. Or use actual topics for reports and roundtable discussions.)

Copy of supplement to Reader's Guide.
Opaque projector.

42. Show the class a series of reference works which can be used in locating information for some of topics (e.g. legislative manual for state; U.S. Government Organizational Manual; almanacs; Current Biography; Who's Who.) Before you do this, ask for class suggestions about useful references for some of the topics.

U.S. Government Organizational Manual; World Almanac; Current Biography; Who's Who.

43. Discuss the preparation and presentation of roundtable discussions. What is a roundtable discussion? What makes it interesting and useful? How should it be presented? How can committees go about preparing for such a discussion? As a group? Individually?

S. Uses key words to skim to locate information.

G8. Constitutions may contain negative prohibitions as well as grants of power and statements of relationships; that is, they may in democracies prevent majority action on some subjects or at least slow such action down.

A. VALUES PROCEDURAL SAFEGUARDS NEEDED FOR A FAIR TRIAL OF THOSE ACCUSED OF CRIMES.

S. Adjusts reading rate to type of material.

S. Reads material dealing with legal terms with comprehension.

A. RESPECTS EVIDENCE EVEN WHEN IT CONTRADICTS PRECONCEPTIONS.

G1. All societies have potential conflict among their members and must work out means of accommodating differences.

G3. Decision-making is influenced by the decision-maker's internalized values, attitudes, and perceptions; by other decision-makers in government; by interest groups and general public opinion, and by the structure within which decisions are made.

G6. Federalism pays greater homage than unitary governments to local differences and autonomy, but it also pays the greater price in inconsistencies and diversity.

G12. Constitutions change by formal amendment and by changes in custom and interpretation.

II. Judges must deal with different kinds of law and with both criminal and civil cases.

A. Law is made in different ways and changes by different means.

1. Constitutional law changes by interpretation as well as by amendment.

2. Statuatory law changes by interpretation as well as by act of Congress.

3. Common law and equity were developed by judges and are changed by judges.

4. Administrative law is created by administrative agencies which apply and interpret statutes.

44.	Have individual pupils start looking for materials on several long-range projects such as: a. A scrapbook on current court cases involving any of the rights protected by the federal Constitution. (He should skim to locate articles in each day's newspaper.) The student should prepare a written comment on each article included. b. A series of bulletin boards on "Our Constitution Prohibits This". The displays might be changed every week. One week the bulletin board might deal with ways of extracting confessions. Another week it might deal with cruel and unusual punishments. Another week it might focus on persecution of people for religious beliefs, etc.	VIIID	
45.	Ask pupils to define the term "law." Each should write out a definition and the class should discuss them briefly. Before pupils come to any conclusions, have them read the project material on "Law" and "Legal Reasoning". Have some of the faster readers also read the selection by Frank on the role of judges in making law. Several other pupils might read Selection #4 on the use of computers in legal offices. Before pupils begin reading, discuss the rate of reading for such materials.	IA1b,2a, IIB1 IIIA1,2, BJ; IVB3, E5a VIB,D XII C2e XIIIB,C3	West, "Law and Court Cases" "Selected Readings on the Judicial Process", #4. Frank, Marble Palace, pp. 155-157.

G12. Constitutions change by formal amendments and by changes in custom and interpretation.

G1k. Decision-making is influenced by the decision-maker's internalized values, attitudes, and perceptions; by other decision-makers in government; by interest groups and general public opinion, and by the structure within which decisions are made.

G1al. The community demands order and stability--goals which may be incompatible with the demands of individuals. The continuing attempt to solve the dilemmas of this conflict is, perhaps, the central problem in all attempts to create and modify political institutions.

G1a. In political conflict there is a struggle over scarce values or goals.

G2. The separation of powers is built on an assumption of political functions which cannot easily be separated in reality.

G5. Political power is distributed unevenly through a population even in a democracy; the concept of political equality or one man--one vote ensures only a minumum opportunity for influence.

G5a. An individual may have power at one point in the political system but not at another point; that is, political power relates to specific points of decision-making within the political process.

G3. The role of the Judiciary depends on the system of law and the nature of the Constitution which it expounds.

B. Legal reasoning is based upon precedent and reasoning by analogy.

46. Have pupils changed their minds about what law is? Ask pupils to assume that they are judges. Read aloud some of the vague terms in the constitution, including some mentioned in the section on constitutional law in the paper on Law and Court Cases. Ask each "judge" to define the terms in writing. Compare results. Do you really know what these terms mean? Can you agree? What affects the way in which judges interpret laws? What happens if a court of equity makes an award? Can it be enforced? What kinds of conflict are illustrated in these cases? What has turned non-political conflict into political conflict? Do any people outside of the judicial branch of government make judicial decisions?

IA1b,2a, IIB1 IIIA1,2, B1; IVB3, E5a; VIB, D; XIIC2e; XIIIB

47. Discuss: Why do judges try to follow precedents? What effect does this procedure have upon trying to change the status quo? What influence does this procedure give to these judges who try the first cases of any particular type? Why do judges have to work out new rulings or interpretations even when dealing with cases arising under the same statute? Can computers end changes in rulings by making it easier for judges and lawyers to find appropriate precedents and compare similarities and differences in cases? Would judges play a more important role in cases involving common law, statuatory law, or equity? Why? Why do legislatures pass laws modifying common law?

IIIA1,2,B1 IVE5a VIIB1 XIIIC3

G7. Taking the policy-making process as a whole, the general strategic advantage lies with the status quo.

G4c. The institutions of government constitute the arenas or the structure within which authoritative decisions of the political process are made; they thus affect those decisions.

G6. Federalism may pay greater homage than unitary government to local differences and autonomy, but it also pays the greater price in inconsistencies, diversity, and competition.

S. Reads material dealing with legal terms with comprehension.

48. Examine differences in definitions of some of misdemeanors and felonies in different states. List some of the kinds of things which people do which are crimes in some states but not in ours. What problems arise for citizens because of differences in statutory law? Are these problems greater today than in the past? (For example, discuss differences and effect of different state laws on collection of insurance by passengers in auto accidents when driver is not to blame. e.g. You have insurance on your car. You are driving in another state and have an accident but are not to blame. The other driver is to blame but carries no insurance. The state where you have your accident does not permit people to claim damages from a driver of car if he is not to blame. You thought you had insurance to protect your passengers even if you were not to blame. Whether your premiums do you any good depends on where you have the accident.) Discuss the fact that common law differs from one state to another. What does this difference mean to citizens of the U.S.? Can you think of any case in which these differences might matter to you? VIB,D

49. Take time at this point to have pupils check and bring up-to-date their dictionaries of legal terms. Which words have they included? Let pupils compare some of the terms and decide which ones all might include. Remind them to continue adding to their dictionaries as they read or hear about new terms which they consider important.

G6. Federalism pays greater homage than unitary governments to local differences and autonomy, but it also pays the greater price in inconsistencies and diversity.

G9a. Government action may both restrict and protect individual rights.
G1a. In political conflict there is a struggle over scarce values or goals.
A. VALUES PROCEDURAL SAFEGUARDS NEEDED FOR A FAIR TRIAL OF THOSE ACCUSED OF CRIMES.

S. Uses verbal and non-verbal cues to identify main ideas of organized speeches.

G2. The separation of powers is built on an assumption of political functions which cannot easily be separated in reality.
G12. Constitutions and laws change by formal amendment and by changes in custom and interpretation.
S. Uses verbal and non-verbal cues to identify main ideas of organized speeches.

50.	Remind pupils that when Kennedy was assasinated, this act was not a federal crime. If Oswald had lived he would have been tried in a Texas Court. However, there has been talk of a law to make it a federal crime to kill a President. Why?	VIE	
51.	Discuss: How do courts protect individual rights through handling cases involving common law and equity? Are such cases examples of political conflict? Why or why not?	IA1 IXB3b,c	
52.	Discuss uses of verbal cues as a means of identifying major ideas from a structured speech. Ask pupils to look for these cues in oral reports and speeches during the unit.		
53.	Have a pupil give an oral report on the Judicial Functions of Administrative Agencies. Ask pupils to take notes. Afterwards, discuss: What verbal and non-verbal cues were used? How helpful were they?	IIB1,2	All About Courts and the Law. pp. 96-108.

S. Reads material dealing with legal terms with comprehension.

S. Adjusts reading rate to type of material and purpose.

G1. All societies have potential conflict among their members and must work out means of accommodating differences.

G1b. The political system is the authoritative allocator, the mechanism by which society finally and ultimately decides which interests, goals, and wants shall be enforced on and in society.

G3. The role of the Judiciary depends on the system of law and the nature of the Constitution which it expounds.

G1. All societies have potential conflict among their members and must work out means of accommodating differences.

G6. Federalism pays greater homage than unitary government to local differences and autonomy, but it also pays the greater price in inconsistencies, diversity, and competition.

G1a. In political conflict there is a struggle over scarce values or goals.

S. Reads material dealing with legal terms with comprehension.

C. Criminal cases involve violations of statutes, the Constitution, and administrative law and are taken to court to protect society; civil cases involve injury or potential injury of one individual by another and are settled by common law, equity, and in some cases by statutory law.

54. Have pupils read about criminal and civil cases in order to learn to distinguish between them. They should read one of the following:
(a) the section on cases in "Law and Court Cases"
(b) the section on criminal and civil cases in Posey
(c) the section on criminal and civil cases in the booklet on Law in Action
(d) the section on criminal and civil cases and on equity cases in All About Courts and the Law.

Those who choose to do (a) or (b) should also go through the list of cases found by the class in the newspaper at the beginning of the unit and divide them into two groups: criminal cases and civil cases. Before pupils begin reading, discuss the reading rate for this purpose and type of material.

IA1a,b, 2a,B1; IIIA1

"Law and Court Cases" Posey, Government for Americans, 122-123,205-10,213, Karlen, Law in Action pp. 23-54. All About Courts and Law, 5-6,17, 51,66-79.

55. Discuss the differences between criminal and civil cases. Could a person be brought into court on both a civil and a criminal charge for the same act? In which type of case does common law play a large part? How are civil cases affected by our federal form of government? What problems of law enforcement arise because of our system of federalism? (Use hypothetical examples to illustrate.) What kinds of conflict are involved in the different types of cases?

IA1,2a, B1; VIB,D,E

56. Give pupils a brief test in which they are asked to match definitions of legal terms to examples which illustrate them. Permit pupils to use their own dictionary of legal terms as they do this test. Discuss class results. Perhaps also give pupils several paragraphs of material containing these terms and ask them multiple choice questions to check on their ability to interpret the material.

G1. All societies have potential conflict among their members and must work out means of accommodating differences.

G1b. The political system is the authoritative allocator, the mechanism by which society finally and ultimately decides which interests, goals, and wants shall be enforced on and in society.

S. Reads for main ideas.

G6. Federalism pays greater homage than unitary governments to local differences and autonomy, but it also pays the greater price in inconsistencies, diversity and competition.

III. The Court system of the U.S. is complicated by the fact that we live under a federal system of government; federalism pays greater homage than unitary government to local differences and autonomy, but it also pays the greater price in inconsistencies, diversity, and competition.

57.	Have a committee prepare an opaque projection strip on civil and criminal cases. This material could be used at the end of the unit for review or for review at the end of the discussion of the reading on this topic.	IA1,2a, B1	
58.	Perhaps have pupils read You and the Law which illustrates types of crimes which young people might commit and the effects of such action. The authors tend to moralize, so that teachers will want to make sure that they use it only with a class where such an approach has a chance of being successful.	IA,B1	National Council on Crime and Delinquency, You and the Law. (Available through Kiwanis International.)
59.	Project the table in Krislov showing what happened to accident cases filed in New York City. Discuss: Do you think that all accident cases are included in the figure of 193,000? Why or why not? (Help pupils see that some might be settled without the filing of legal cases.) What proportion of the cases which came to trial were settled out of court before a verdict was reached? What do these figures show about how the majority of conflicts over damages because of accidents are settled? Do you think that the data indicate that courts are not needed in accident cases? Why or why not? (Try to bring out the importance of the court and court proceedings to influence people to settle cases.)	IB4	Krislov, The Supreme Court in the Political Process, p. 33.
60.	Have pupils read the introductory paragraph of the Project material on the "Federal-State Court System" Use this part to teach pupils to pick out main ideas as well as to teach them about our court structure. After pupils have read the introductory paragraph, ask them what the key idea is. What kinds of information do they expect to find in the reat of the paper?	VI	West, "The Federal-State Court System", p. 1.

G4c The institutions of government constitute the arenas or the structure within which authoritative decisions of the political process are made; they thus affect those decisions.

G6. Federalism pays greater homage than unitary governments to local differences and autonomy, but it also pays the greater price in inconsistencies, and diversity.

G13. The political system consists of a number of major components, each of which affects the other components.

A. Although federal courts hear cases dealing primarily with federal law and state courts hear cases dealing primarily with state law, both kinds of courts must also deal with the law of the other jurisdiction.

1. Federal courts hear cases arising under Congressional statutes, the Federal Constitution, and treaties, plus cases arising between citizens of different states, two states, citizens of another country and this country.
2. Federal courts also hear cases involving state laws and actions, when these conflict with the federal Constitution.
3. State courts hear cases arising under state law.
4. State courts also hear cases which involve conflict between state laws and the federal Constitution; state judges must then interpret federal law.
5. State courts also hear civil cases arising between citizens of different states, when the claim is under $10,000.

61. Have pupils read the section on Types of Federal and State Cases from the paper on "Federal-State Court System." Have each pupil write down the main idea in each paragraph in this section. Then go over the section, paragraph by paragraph. What is the main idea of paragraph 1? Is this idea found expressed in any single sentence in the paragraph? What is the purpose of sentence 2? (It provides an introduction to a sub-section of this section of the paper.) Is the main idea of paragraph 2 found in any sentence? If so, where? Continue through the paragraphs. Usually students will find that the first sentence of each paragraph either introduces a series of paragraphs or gives the main idea for that paragraph. If it introduces a series of paragraphs, each paragraph of this series helps develop or expand that sentence. Paragraph 7 differs from the others. How? Have pupils make an outline of this section by using primarily the subtitles and key sentences in each paragraph, including both topic sentences for the paragraphs and those first sentences which introduce a series of paragraphs. (They will have to include these sub-points under sentence 7.) Also discuss paragraph 9. How does it differ from the others? Ask pupils to try to summarize the main ideas in this section in no more than three sentences. Discuss these summaries. (Point out that not all writing uses the first sentence in a paragraph to present the main idea. Why do historical materials or materials which tell stories frequently fail to use this device? Why does the material in this kind of paper lend itself better to this kind of writing? How can pupils use their knowledge of this different style of writing to help them gain ideas from their reading?) Be sure to discuss the questions in caps in this section of the paper. Also discuss: How does federalism complicate our court system? What are the possible advantages of this type of court system?	IVEld,3 XIIIA5	West, "The Federal-State Court System."

S. Reads material dealing with legal terms with comprehension.
S. Reads for main ideas.
G13. The political system includes a number of major components, each of which affects the other components.
S. Applies previously-learned concepts and generalizations to new data.
G6. Federalism pays greater homage than unitary government to local differences and autonomy, but it also pays the greater price in inconsistencies, diversity and competition.

G4c. The institutions of government constitute the arenas or structure within which the authoritative decisions of the political process are made; they affect those decisions by limiting or granting access to decision-makers, setting the procedures of decision-making, setting the powers of decision-makers, informally distributing power among decision-makers, and setting the norms to be followed by decision-makers.

G9. The contrast between democratic and non-democratic political systems may be looked at as a conflict in basic underlying values.
A. VALUES PROCEDURAL SAFEGUARDS NEEDED FOR A FAIR TRIAL FOR THOSE ACCUSED OF CRIMES.
S. Uses verbal and non-verbal cues to identify main ideas of organized speeches.

B. The Constitution gives Congress much power to set up courts, change the number of justices on a court, and change the jurisdiction of courts.
1. The Constitution provides that the Supreme Court shall be the highest court of the land, but it gives Congress the power to determine its size and what cases it can hear on appeal.

2. Congress has set up a system of trial courts, and courts of appeal beneath the Supreme Court.

a. Trial courts use juries and listen to witnesses who present evidence; the juries determine the facts and the judge determines the law.

b. Appellate courts do not use juries; judges read and listen to arguments about the law and look for errors in the lower court trial.

62. Have pupils read the section on Federal Court Structure in the paper on "Federal-Court System." Ask them to make an outline of the section, using the method they learned in doing the preceding part. Does this method work just as well on this section? Ask pupils to read the section on the State Court Structure. Then have them try to work out a single sentence to describe the way in which both state and federal courts are organized.	IIB 1VD3a;E1b, c,d;2a,c, g;3b,c,e VA VI XIIC2d XIIIA3,4 XIVB3,4;D5	West, "The Federal-State Court System"
63. Discuss the difference between trial courts and courts of appeal. Why do appellate courts rely on the transcripts of the earlier trials rather than holding a new trial? What importance does this structure of our court system give to juries? Are juries more or less powerful than they would be if appellate courts retried cases?	IVE2a,c,4d	
64. Invite a former member of a petit jury to speak to the class about the functions of the jury, how it operates, the problems of jurors in determining facts, how the judge helped the jurors in their duties, and how he was selected for the jury. Remind pupils ahead of time to watch for verbal and non-verbal cues to help them takes notes on main ideas.	IVE2c XIVB3,4	

Ga. The contrast between democratic and non-democratic political systems may be looked at as a conflict in basic underlying values.

A. VALUES PROCEDURAL SAFEGUARDS NEEDED FOR A FAIR TRIAL FOR THOSE ACCUSED OF CRIMES.

G13. The political system includes a number of major components, each of which affects the other components.

G2. The separation of powers is built on an assumption of political functions which cannot easily be separated in reality.

G4c. The institutions of government constitute the arenas or the structure within which authoritative decisions of the political process are made; they thus affect those decisions.

c. The Supreme Court hears any appeal of certain kinds of cases but can decide itself what other cases it is willing to review; however, Congress can take away its right to review any kind of case.

d. Congress has set up special courts for specific kinds of cases.

C. State court systems differ from one state to another; but they all have some inferior courts to try minor cases, a system of trial courts for more important cases, and at least one court of appeals.

65. Have pupils add to their list of evidence not admitted at trials. Discuss the reasons for not admitting hearsay evidence.	IVE2g,5	
66. Tell the class that toward the end of the unit they will hear a lawyer or judge. They should start a list of questions which they would like to have him answer. They might begin the list with a question about the rules of evidence; the role of judges, juries and lawyers; and legal ethics.	IVE2g,5	
67. Have pupils look at figures or the number of cases taken into different kinds of courts. Also have them read a selection on the "Crowded Schedule of the Supreme Court." Why does the Supreme Court handle so few cases? Would it be possible for it to handle all of the cases which people might want it to review? What effect does the right of the Court to decide which cases it will hear have upon its power in our political system? Why is the power of Congress to take away the right to review cases important?	IVE1b,3b XIIC2d XIIIA3 XIVD6	See appendix. "Selected Readings in the Judicial Powers," #5
68. Have a pupil give an oral report on tax courts which review decisions of the Internal Revenue Service. Discuss: What would be the effects of a system in which people could not appeal such decisions to courts? In a system where such appeals would have to go to district courts?	IIB IVE1d,3c	Stevenson and Roper, "When the Income Tax Man Looks Over Your Shoulder", Reader's Digest, April, 1965, pp. 49-50,52,55.
69. Have a pupil give an oral report on the state court structure in this state. He should prepare a chart showing this structure. He might project the chart or make a large wall chart. Or have a committee prepare an opaque projection strip on "The Court System of Our State." One of the members should comment	IVE1c,d, 2,3c	State Legislative Manual Material from State League of Women Voters

A. VALUES PROCEDURAL SAFEGUARDS NEEDED FOR A FAIR TRIAL FOR THOSE ACCUSED OF CRIMES.

G9a. Government action may both restrict and protect individual rights.

S. Uses verbal and non-verbal cues to identify main ideas in organized speeches.

G4c. The institutions of government constitute the arenas or the structure within which authoritative decisions are made; they thus affect those decisions.

G13a. A law or policy or court decision must be effectuated and applied; in that process the whole decision-making and influence process goes on again.

D. Courts do not make arrests, bring charges, or carry out their own orders; they are dependent upon others to do these things.

on the structure as he shows the strip. Have the class compare the court structure of this state with the general description given of state courts in "Federal-State Court System." If there are differences, how could they affect cases?

70. Have a pupil report on state laws concerning the use of juries in civil and criminal cases. Can a person demand a jury trial in a misdemeanor case such as a traffic case? Does the state constitution guarantee a jury trial in civil cases?

IVE2
IXA2,B

71. Have a pupil give an oral report on Small Claims Courts. Instead, he might prepare a bulletin board display or chart showing the purpose and workings of such courts.

IVE1d,3c

For example, see "Quick Justice, No Red Tape," Changing Times, March, 1964, pp. 7-10.

72. Have a pupil give an oral report on Traffic Courts in Our Community.

IIIE1d;3c
IVE1d,3c

73. Discuss with class the effectiveness of using verbal and non-verbal cues for listening. If pupils are having difficulties discuss reasons. Do floortalks need to be better organized? How can pupils giving talks help?

74. Discuss the importance of justice of the peace courts in our judicial system even though they handle only small cases.

IVE1d,
2j,3c

75. Refer back to some of the cases which pupils have read. How do police officers make decisions which affect the degree to which the law is enforced? What factors would affect these decisions? What does this mean about the power of

IV
VB2
XIIB4d

G13. The political system includes a number of major components, each of which affects the other components.

G4. Decision-making is influenced by he decision-maker's internalized values, attitudes, and perceptions; by other decision-makers in government; by interest groups and general public opinion, and by the structure within which decisions are made.

G5a. An individual or group may have power at one point in the political system but not at another point; that is, political power relates to specific points of decision-making within the political process.

G13 The political system includes a number of major components, each of which affect the other components.

G13a. A law or policy or court decision must be effectuated and applied; in that process the whole decision-making and influence process goes on again.

1. Courts do not make arrests or bring charges; police and prosecuting attorneys make decisions about how strictly to enforce the law.

   a. Enforcing officers must decide how, when, and with what degree of stringency to enforce legal restrictions.

   b. These officers have power at one point in the political system but not at another.

   c. These officers are influenced in their decision-making by their own internalized values and perceptions, by other decision-makers in government, general public opinion, and by the structure within which the decisions are made.

courts? Remind pupils of the film Life in Somebown U.S.A. which they saw during the overview to the year's work. This film tells in an amusing way what would happen in a community if the authorities were to enforce all of the local ordinances, some of which are outmoded. Afterwards, discuss: Does the public really want all laws enforced. VB2 XIIIB4d

76. Have a pupil give a report on prosecuting attorneys in the local area. He should include information about the federal attorney as well as the county attorney. The student should find out something about the problems which a prosecutor faces in deciding how strictly to enforce laws. Perhaps he can interview the local prosecutor faces in deciding how strictly to enforce laws. Perhaps he can interview the local prosecutor or someone on his staff. XIIIB4c

77. Or invite the county attorney or one of his staff to speak to the class about the problems of determining how strictly to enforce the laws. Ask him if there are any local ordinances which are not enforced because they are so old as to be inappropriate today. XIIIB4c

78. Ask the class: Is the prosecuting attorney part of the judicial or executive branch of government? Why? How do both departments combine to make up our judicial system? IVE31 XIIIB4c

G13a. A law or policy or court decision must be effectuated and applied; in that process the whole decision-making and influence process goes on again.

G13. The political system includes a number of major components, each of which affects the other components.

G5a. An individual or group may have power at one point in the political system but not at another point; that is, political power relates to specific points of decision-making within the political process.

2. Courts do not carry out their own orders; their functions must be effectuated by other governmental bodies and officials.

a. Judges have power at one point in the decision-making process but not at another.

b. Government officials must carry out decisions of the court if people do not pay damages, if they are sentenced to prision, if they are ordered to stop doing something, etc.

G4c. The institutions of government constitite the arenas or structure within which the authoritative decisions of the political process are made; they thus affect those decisions.

G13. The political system consists of a number of major components, each of which affects the other components.

E. The Supreme Court has the power to declare acts of Congress, the President and his executive staff, state legislatures, and state officials unconstitutional.

S. Uses key words to skim to locate information.

G12. Constitutions change by formal amendments but more importantly by changes in custom and interpretation.

G11. The political system includes a number of major components, each of which affects the other components.

1. The Supreme Court has assumed this power through interpretation of the Constitution.

a. Constitutions must have an ultimate interpreter since they are of nature ambiguous and non-specific.

79. Ask class to imagine that a court has just made a decision to fine a man or put him in prison. What is needed to make this order of any use? Was the court order in the Little Rock case enough? (Refer back to executive unit.) Do courts enforce their own orders or decisions? What have you found out about how court orders are enforced? (Again refer back to executive unit.)	VB2 XIIIB2b	
80. Invite a U.S. marshall or a local court officer to come to class and explain how court orders are carried out. Or have a pupil interview such an officer.	XIB2b XIIIB2b	
81. Read aloud with the class the constitutional provisions at the beginning of the section on The Supreme Court's Right to Declare Laws and Actions Unconstitutional in the paper on the "Federal-State Court System." Of what importance is the second paragraph about the duty of state judges? About the duties of federal officials?	IVE3 XIIIA2;B1	West, "Federal-State Court System"
82. Tell the class what is said in paragraph 2 or have them read it quickly without reading further. Do the constitutional provisions they have already read specifically give the Supreme Court the power to declare acts unconstitutional? Have pupils search the Constitution for any statement on such a right. (Before they begin, remind them of ways to skim to locate information quickly. What key word or words should they keep in mind as they run their eyes down the center of the page?)	XB XIA2;B1 IVE3a XIIB XIIIA2;B1	West, "Federal-State Court System." Copies of Federal Constitution.

G12. Constitutions change by formal amendment and by changes in custom and interpretation.

G8. Constitutions may contain negative prohibitions as well as grants of power and statements of relationships; that is, they may in democracies prevent majority action on some subjects or at least slow such action down.

S. Sets up hypotheses (generalizations and then tests and refines them in terms of new data.

G13a. A law or policy or court decision must be effectuated and applied; in that process the whole decision-making process goes on again.

G8 Constitutions may contain negative prohibitions as well as grants of power and statements of relationships; that is, they may in democracies prevent majority action on some subjects or at least slow down such action.

G3. The role of the Judiciary depends on the system of law and the nature of the Constitution which it expounds.

G6. Federalism pays greater homage than unitary governments to local differences and autonomy, but it also pays the greater price in inconsistencies and diversity.

G12. Constitutions change by formal amendment and by changes in custom and interpretation.

G13. The political system consists of a number of major components, each of which affects the other components.

83. Pupils will soon find that the Constitution does not grant the Supreme Court the right to constitutional review in so many words. Ask them how they think the Court got this right? Suppose they had been members of the Court when a case came to them under a law they considered unconstitutional. What would they have done? Is there anything in the provisions they read at the beginning of this section which might be interpreted to give the Court this power of constitutional review? Have pupils turn once more to the Constitution. Point out specific restrictions on the Congress, the President, and the states. How could these restrictions be enforced if Courts could not declare actions unconstitutional? Who else might be given the job of deciding if acts are constitutional or not? Let pupils discuss these questions, but do not answer them.

I B1 Copies of Federal
IIIB2 Constitution
VII1
XIIB
XIV A2,B3

84. Have pupils read the rest of the section on the Court's right to declare acts unconstitutional. Ask them to try to find out if any members of the class were right in their guesses. Discuss the same questions again after pupils have finished reading. How easy would it be to change the Court's power now?

IA2a,d West, "Federal-
IIIB2a,b,3; State Court
C2a System"
IVB3b;E3a
VA
VIC
VIIA2a
VIIIA,C
XIA1
XIIB;C1,2
XIIIA2;B1,3;
C2
XIVD1,5

G3. The role of the Judiciary depends on the system of law and the nature of the Constitution which it expounds.

G13 The political system includes a number of major components, each of which affects the other components.

G7. Taking the policy-making process as a whole, the general strategic advantage lies with the status quo.

G2. The separation of powers is built on an assumption of political functions which cannot easily be separated in reality.

G5. Political power is distributed unevenly through a population even in a democracy; the concept of political equality or one man--one vote ensures only a minimum opportunity for influence.

G1a1. The community demands order and stability--goals which may be incompatible with the demands of individuals. The continuing attempt to solve the dilemmas of this conflict is, perhaps, the central problem in all attempts to create and modify policical institutions.

G16. Political activity, by which the individual seeks his goals and interests through the political system, takes any number of forms, depending on the nature of the system, and varies greatly in incidence.

G4b1b. No interest group pursues its goals entirely through the political system; it is drawn into political activity only in specific instances of goal-seeking.

2. The political importance of the judiciary depends largely upon whether or not it has responsibility for deciding acts of the other two branches unconstitutional.

   a. The Supreme Court has great power because it does have the right to constitutional review over acts of Congress and state legislatures as well as over state action.

85. Compare the way in which the Supreme Court restricted presidential action in the steel case and in the case of military trials during the Civil War. In which case did the Courts interfere most with the President's attempt to act in an emergency? Which was the greater emergency? Could the Supreme Court have acted any earlier in the Civil War Case? What would have had to happen before it could have acted? In making these decisions, how was the Court making policy or law as well as acting in a judicial capacity? At what point in the political process does the Court have this power to make law? What do these cases show about the power of the Supreme Court? About the acceptance by the American people of this power? Would the role of the judiciary change if it did not have this power? Why or why not? How does the Court's present power affect the ease of making major changes in our political system? What conflict was involved in the steel case? As pupils discuss the steel seizure case, ask them how the steel companies ordinarily try to achieve their goals. Do they usually try to achieve them through the political system, including the judicial system? How did the steel decision affect other citizens in the country than those who were a party to the court case? Why can it be said that the Court was involved in settling political conflict?

IA2a,d;B
IIA1,2
IIIC
IVC2c;B3
VA,B2i
VIB
VIIA2a;C2
VIIIA,C
IXB1,2
XIIB
XIIIA2
XIVD1

G9. The contrast between democratic and non-democratic political systems may be looked at as a conflict in basic underlying values.

Glal. The community demands order and stability--goals which may be incompatible with the demands of individuals. The continuing attempt to solve the dilemmas of this conflict is, perhaps, the central problem in all attempts to create and modify political institutions.

G8. Constitutions may contain negative prohibitions as well as grants of power and statements of relationships; that is, they may in democracies prevent majority action on some subjects or at least slow down such action.

S. Sets up hypotheses (generalizations) and then tests and refines them in terms of new data.

G3. The role of the Judiciary depends on the system of law and the nature of the Constitution which it expounds.

G5. Political power is distributed unevenly through a population even in a democracy; the concept of political equality or one man--one vote ensures only a minimum opportunity for influence.

G5a. An individual may have power at one point in the political system but not at another point; that is, polit-

b. State courts have a far less important role in our political system, although state supreme courts have an important role because of their right to declare unconstitutional state legislative and executive acts not in accord with the state constitution.

86. Discuss: The Supreme Court can limit actions of the President and Congress who are elected by the people. The Court is appointed by the President and Congress. It is democratic to permit the court to restrict elected representatives? Don't the constitutional restrictions on the President and Congress prevent our elected officials from carrying out our wishes? Is it safe to permit them to restrict such representatives or the President in time of emergency? Are the constitutional features undemocratic? Would it be more democratic to depend upon Congress and public opinion to safeguard minority rights? Do you think such a system would be so effective in protecting rights? Why or why not?

IA2a
IIIC2
XIVC1
VIIA2a
VIIIB,D
IXA1,2

Or have several pupils role-play a discussion between a British and an American political leader about the comparative advantages of the two judicial systems in promoting democracy.

87. Have pupils diagram the federal-state court system. Perhaps have one pupil make a wall chart of the court system. Then give pupils an imaginary case and let them try to trace it through the court system.

88. Have pupils discuss the importance of the right to declare acts unconstitutional. What effect does this right have upon the power of the Supreme Court as against state courts? What effect does it have upon the power of the U.S. Supreme Court justices as compared with the state Supreme Court judges? Does this mean that the U.S. Supreme Court justices always have more power than state judges? Why or why not? What would have been the effect on the power of different judges if the Supreme Court had not assumed this right or if the American people or Congress had denied it to them? (Pupils can come only to a general conclusion at the present time. They might return to this question later after studying a number of case studies.)

IIIC1,2a
VA;B2e
XIVD1

ical power relates to specific points of decision-making within the political process.

G14. An institution is an interrelated cluster of roles and the attached meanings and values; changes in these roles and their relationships bring changes in the institution.

G6. Federalism pays greater homage than unitary government to local differences and autonomy, but it also pays the greater price in inconsistencies, diversity, and competition.

G3. The role of the Judiciary depends on the system of law and the nature of the Constitution which it expounds.

G12. Constitutions change by formal amendments and by changes in custom and interpretation.

G4c. The institutions of government constitute the arenas or structure within which the authoritative decisions of the political process are made; they affect those decisions by limiting or granting access to decision-makers, setting the procedures of decision-making, setting the powers of decision-makers, informally distributing power among decision-makers, and setting the norms to be followed by decision-makers.

G4. Decision-making is influenced by the decision-maker's internalized values, attitudes, and perceptions; by other decision-makers in government; by interest groups and general public

c. The power of the Supreme Court to review decisions from state courts helps hold our federal system of government together by providing for more uniform interpretation and enforcement of the federal Constitution than would otherwise be achieved.

IV. The method of selecting judges and the terms of office for judges differ; these differences are important because they make for differences in judicial behavior.

A. Federal judges are appointed for life upon good behavior; once selected they need pay little attention to their electorate (the President and the Senate), since they cannot be removed except by impeachment.

89.	Discuss: What would happen to federal laws if the Supreme Court could not review decisions coming from state courts? Do the state courts now always have the same interpretations of the federal constitution? Was Holmes right? (Point out that they can reconsider these questions at the end of the unit, after studying the way in which the system works in more detail.)	IIIB3;C2a IVE3b VIC	
90.	Tell pupils that federal judges are appointed for life "during good behavior." Ask: What do you think "good behavior might mean? Then have pupils read the rest of the introduction and the section on the "Independent Judiciary" in the paper on "Selection of Judges." They should try to find out if they have defined good behavior in the same way that the American people seem to have defined it.	IIIB1 IVE5d VIIIC2e	West, "Selection of Judges" p.1
91.	Discuss the questions in caps at the end of the second paragraph. Why did those who wrote the Constitution provide for appointed rather than elected judges? Why did they provide for appointment for life upon good behavior rather than	IVB;C;D; E5d VIIA2b	West, "Selection of Judges p. 1

opinion, and by the structure within which decisions are made.

S. Applies previously-learned concepts and generalizations to new data.

S. Sets up hypotheses and checks against data.

G4c. The institutions of government constitute the arenas or the structure within which authoritative decisions of the political process are made; they thus affect those decisions.

G12. Constitutions change by formal amendments and by changes in custom and interpretation.

G5a. An individual or group may have power at one point in the political system but not at another point; that is, political power relates to specific points of decision-making within the political process.

G13. The political system includes a number of major components, each of which affects the other components.

G4. Decision-making is influenced by the decision-maker's internalized values, attitudes, and perceptions; by other decision-makers in government; by interest groups and general public opinion, and by the structure within which decisions are made.

shorter terms? What effect do such terms of office have upon their decisions? (Relate what pupils have learned about relation of electorate to decision-making by legislators and the President.)

92. Have pupils read the rest of the section on federal judges. One pupil might read a section in Peltason on the role of interest groups in selecting federal judges. Another might read the account of how the American Civil Liberties Union tried to influence the appointment of judges in the South. Ask pupils to try to find out as they read how the appointments were actually made and how the Senate and interest groups affected the appointments. They should also try to find out what other factors the President considers as he makes appointments to courts. Before pupils begin reading, also ask: Do you think the power to appoint judges gives the President and senators any influence over judicial decision-making? Let pupils set up hypotheses to check as they read. After pupils have read the material, discuss: How has senatorial courtesy modified the Constitution? Does a Senator have equal power over all judicial appointments? Why or why not? Is the difference in his power the result of constitutional provisions? Why do you think the custom of senatorial courtesy grew up? How has it modified the simple Constitutional provision about the appointment of judges? How easy would it be to change this custom?

Also discuss: Why did Kennedy appoint any segregationists to courts in the South? How much choice did he have? Why do interest groups try to influence the selection of judges?

IVA1;B4,5; C1,2a,c; D1,3b,c; E2j,3f, 4c,5b,g
VB1c,2c
XIB2
XIIC2f
XIIIA1

West, "Selection of Judges"
Peltason, Federal in the Political Process, pp.34-35.
American Civil Liberties Union, Feature Press, March 1, 1965,p.1.

G4. Decision-making is influenced by the decision-maker's internalized values, attitudes, and perceptions; by other decision-makers in government; by interest groups and general public opinion, and by the institutions or structure within which decisions are made.

G4b2 Attempts to abstract political decision-making from the pressures of the political system (from "politics") have not succeeded.

S. Applies previously-learned concepts and generalizations to new data.

S. Sets up hypotheses and checks against data.

G4 Decision-making is influenced by the decision-maker's internalized values, attitudes, and perceptions; by other decision-makers in government; by interest groups and general public opinion, and by the structure within which decisions are made.

G4b1 The interest group attempts to bring aggregates of influence to bear upon decision-makers by attempts to frame the possible choices the decision-makers have, by direct influence, by education, and by attempts to control the selection of the decision-makers.

93. Perhaps have pupils do the same kind of thing they did in the unit on the executive by writing a want ad for candidates for Supreme Court Justice. Only this time they might write the ad as though it were being written by the President as he searches for a person to appoint to the Court. Compare some of the ads and then discuss: What factors other than Senatorial courtesy do Presidents consider as they make appointments to the federal courts? What does your conclusion mean in terms of the ability of the court to remain out of politics? Discuss: Do you think that criticism of appointments because judges have the same view as the President are justified? Could any system be worked out in which a man's views would not affect his selection? Some have suggested that the Bar Association should have more to say about appointments. What qualifications do its members have for choosing members? What general point of view do the majority of the bar members have on social-economic matters (liberal or conservative)? Why? Would federal judges be taken out of politics by letting the American Bar Association appoint them? (Pupils might add questions about what role the bar should play in appointments to their list of questions to ask the lawyer who will talk to them at the end of the unit.)

IVA1,2,4, 7,B5,C2a, D1,3

94. Compare the problems of federal judges with that of members of legislative bodies or of the President when they face difficult and controversial decisions. (e.g. Which group would find it easier to support civil rights demands? Why? Do pupils think this difference would make any difference in the way in which civil rights groups would try to achieve their ends? Why or why not?) Now have a report on "The Choice of Tactics of an Interest Group". Relate the choice of tactics to the way in which the different branches of government are chosen. Now have pupils decide whether this data supports or contradicts their hypotheses.

IVA,B, C2a,b,E1,f VB1a XVIA2,3, C1,2

Peltason, Federal Courts in the Judicial Process, pp. 49-50. "Selected Readings for the Judicial Process", #6.

G5a An individual or group may have power at one point in the political system but not at another point; that is, political power relates to specific points of decision-making within the political process.

G16. Political activity, by which the individual seeks his goals and interests through the political system, takes any number of forms, depending on the nature of the system and varies greatly in incidence.

G4c. The institutions of government constitute the arenas or structure within which the authoritative decisions of the political process are made; they affect those decisions by limiting or granting access to decision makers, setting the procedures of decision-making, setting the powers of decision-makers, informally distributing power among decision-makers, and setting the norms to be followed by decision-makers.

G13 The political system includes a number of major components, each of which affects the other components.

G4 Decision-making is influenced by the decision-maker's internalized values, attitudes, and perceptions; by other decision-makers in government; by interest groups and general public opinion, and by the structure within which decisions are made.

95. Discuss: Suppose you are a Supreme Court justice. You know that Congress is debating a measure to take away your right to review certain cases or to increase the number of justices on the court. Do you think this knowledge would have any effect on your decisions? (Perhaps tell the class about the switch in decisions which took place on some of the communist cases in the 1950's after the adverse criticism of the Court. Why would judges who were appointed for life change their position on such cases?)

IIIB4; IVB4,D3, E3b; XC2d; XIIIA3,4; XIVD5 XIC1b

G10. Freedom's relationship to democracy is a close and obvious one; the organization of majorities, the competition in goals, and the ability to oppose which democracy presupposes, all depend on a high degree of personal freedom.

G8 Constitutions may contain negative prohibitions as well as grants of power and statements of relationships; that is, they may in democracies prevent majority action on some subjects or at least slow such action down.

G9 The contrast between democratic and non-democratic political systems may be looked at as a conflict in basic underlying values.

S. Applies previously-learned concepts and generalizations to new data.

G4b2 Attempts to abstract political decision-making from the pressures of the political system (from "politics") have not succeeded.

G4 Decision-making is influenced by the decision-maker's internalized values, attitudes, and perceptions; by other decision-makers in government, by interest groups and general public opinion, and by the structure within which decisions are made.

G13. The political system consists of a number of major components, each of which affects the other components.

B. Most state judges are elected, although some states provide for appointment by governor or legislature; appointed judges are more independent of political pressures than are elected judges.

96. Discuss: Was the Supreme Court being undemocratic when it blocked New Deal legislation during the hard times of the early 1930's? What do you think now about the Court? Is it an undemocratic institution? (Let pupils discuss this now, although they should return to the question later in the unit after they have learned more about the action of the Court in other ways.)	VIIIA,B, IXA1,2,B1 XA,B	
97. Have pupils read the section on the selection of state judges.	IVD2,E2j,3 XIII	West, "Selection of Judges"

96.	Discuss: Was the Supreme Court being undemocratic when it blocked New Deal legislation during the hard times of the early 1930's? What do you think now about the Court? Is it an undemocratic institution? (Let pupils discuss this now, although they should return to the question later in the unit after they have learned more about the action of the Court in other ways.)	VIIIA,B, IXA1,2,B1 XA,B	
97.	Have pupils read the section on the selection of state judges.	IVD2,E2j,3 XIII	West, "Selection of Judges"

G4 Decision-making is influenced by the decision-makers internalized values, attitudes, and perceptions; by other decision-makers in government; by interest groups and general public opinion, and by the structure within which decisions are made.

S. Sets up hypotheses (generalizations) and then tests and refines them in terms of new data.

S. Draws inferences from tables.

G4c. The institutions of government constitute the arena or the structure within which authoritative decisions of the political process are made; they thus affect those decisions.

G4b The decision-maker reacts to pressures from other decision-makers and from outside the government.

98.	Have an oral report on the way in which judges are selected in pupils' own state. Compare this method with the methods mentioned in the paper. Why has there been a trend toward elected judges?	IVE	State Legislative Manual
99.	Have pupils read the first part of the section on "The Effects of Different Selection Systems." They should not turn to the table. (You may need to go over Nagel's technique in class.) Then have pupils develop hypotheses to answer the questions raised by Nagel.	IVE	West, "Selection of Judges"
100.	Now have pupils study table 1 at the end of this paper. They should answer the questions and try to decide whether their hypotheses are supported or challenged by the data.	IVA6,D2,3b; VBla	West, "Selection of Judges"
101.	Tell pupils about the 1965 case in Oklahoma in which the state legislature impeached a Supreme Court judge, in which one judge went to prison, and in which another Supreme Court justice resigned. How were these judges chosen? Does election necessarily result in good choices? What are the arguments for and against election and appointment of judges?	IVD1,2,3,	For example, see Time, May 21, 1965, p. 64.
102.	Have each pupil write an imaginary newspaper editorial expressing his views of how judges should be selected. He should either urge the continuance of the present system or urge change. In either case, he should explain his reasons for his stand.	IVD2,3b; VBla	

G5. Political power is distributed unevenly through a population even in a democracy; the concept of political equality or one man--one vote ensures only a minimum opportunity for influence.

S. Reads for main ideas.

G9. The contrast between democratic and non-democratic political systems may be looked at as a conflict in basic underlying values.

G12. Constitutions change by formal amendment and by changes in custom and interpretation.

V. The Gideon case deals with the right of a pauper to a lawyer in state courts; it also illustrates almost all of the aspects of the judicial system and judicial decision-making.

103. Discuss the conflict involved in the selection of judges whether they are elected or appointed. e.g. Ask: Is it possible to remove the judicial system from politics? What do you think now?	IVD1,2,3,	
104. Show the film The Law Protects the People. Discuss political pressures on elected judges? Do pupils think they are likely to be this great? How easy is it to defeat a man who has been on the court for a term?	IVB,C,	Film: The Law Protects the People (TFC, 20 min., excerpts from feature film)
105. Have pupils ask parents who the members of the present state Supreme Court are. Do they know anything about them? When they have to vote on justices in this state, how do they try to find out about them? How much effort do they make? Do they fail to vote for judges? Do they just vote for judges by a hit or miss guessing procedure? What power does this give those who nominate judges?	IVD2; V	
106. Have pupils prepare brief summaries of the paper on "The Selection of Judges." Then project or give pupils dittoed copies of three of them. (Have one summary include the main points only; one emphasize minor details; and one include a few of the major ideas with a number of details.) Ask pupils to choose the best summary. Discuss the choices. Why is one better than the others?		
107. [illegible] class turn to the Gideon case. Tell them that it will [illegible] clearly how our judicial system works and will also [illegible] important right--the right to a lawyer. Before pu- [illegible] reading, read aloud the section in the Sixth Amendment [illegible] to counsel. What does this mean? Do they think a man needs a lawyer for a fair trial? Go back over lists pupils made at beginning of the unit on what rights they thought were needed for a fair trial. How many pupils listed the right to a lawyer?	IA2b IVE3d IXA2,B2 XIIC2e	West, "The Right to a Lawyer: The Gideon Case"

G4c The institutions of government constitute the arenas or the structure within which authoritative decisions of the political process are made; they thus affect those decisions.

G12 Constitutions change by formal amendments and by changes in custom and interpretation.

G9 The contrast between democratic and non-democratic political systems may be looked at as a conflict in basic underlying values.

G4b The decision-maker reacts to pressures from other decision-makers and from outside the government.

S. Applies previously-learned concepts and generalizations to new data.

G1 All societies have potential conflict among their members and must work out means of accommodating differences.

G1a1 The community demands order and stability--goals which may be incompatible with the demands of individuals. The continuing attempt to solve the dilemmas of this conflict is, perhaps, the central problem in all attempts to create and modify political institutions.

A. VALUES PROCEDURAL SAFEGUARDS NEEDED FOR A FAIR TRIAL FOR THOSE ACCUSED OF CRIMES.

A. The Constitution changes by formal amendment and by changes in custom and interpretation.

1. The Bill of Rights and the 14th Amendment changed the Constitution greatly.
2. The Supreme Court has changed the Constitution through interpretation.
3. The Supreme Court has followed changes in public opinion in its interpretation of due process.

B. Gideon's case illustrates the value placed upon the rights of individuals in a democratic society even when society desires to protect itself against criminal activity.

1. Gideon had a history of repeated crimes; yet the court was willing to hear his case in order to make sure that his rights were being protected.
2. The trial illustrates the need for a lawyer to protect the rights of the defendant.

108.	Have a volunteer prepare a chart on which he will show the progress of the Gideon case through the courts. He can prepare a large wall chart of the court system, with a sheet of acetate over it on which the progress of the case can be traced with a china marking pencil.	VE2	Large sheet of white paper or tag board. Acetate to cover it. China marking pencil.
109.	Have pupils read the introductory section on the Gideon case and the section on Problems of Judicial Interpretation. Discuss the changes which had already taken place in people's interpretation of words in the Constitution. How had the judges acquired their opinions? How had changes in public opinion affected the interpretation of the Constitution? Had the Constitution in effect been changed? How much of the change had come about by amendment? How much by interpretation?	IC1;IVC1a,c IXA2,B1,2 XA; XIA2 XIIA2,C2e	West, "The Right to a Lawyer: The Gideon Case"
110.	Have pupils read about Gideon's background and consider the questions at the end of this section. Discuss these questions with pupils. Also discuss: How easy would it be for a man of Gideon's background to defend himself without a lawyer? What effect would his background have upon the reactions of jury and judge?	IA2a,b IXB1 XIVA1	West, "The Right to a Lawyer: The Gideon Case"
111.	Have pupils read the section on Gideon's trial. Have them make a list of ways in which a lawyer might have helped Gideon. They should keep this list and compare it with what his lawyer did during the	IXB2	West, "The Right to Lawyer: The Gid... Case"

G9. The contrast between democratic and non-democratic political systems may be looked at as a conflict in basic underlying values.

G5 Political power is distributed unevenly through a population even in a democracy; the concept of political equality or one man--one vote ensures only a minimum opportunity for influence.

G5a An individual or group may have power at one point in the political system but not at another point; that is, political power relates to specific points of decision-making within the political process.

G1. All societies have potential conflict among their members and must work out means of accommodating differences.

G7. Taking the policy-making process as a whole, the general strategic advantages lie with the status quo.

A. VALUES PROCEDURAL SAFEGUARDS NEEDED FOR A FAIR TRIAL FOR THOSE ACCUSED OF CRIMES.

G4. Decision-making is influenced by the decision-maker's internalized values, attitudes, and perceptions; by other decision-makers in government; by interest groups and general public opinion, and by the structure within which decisions are made.

3. The Supreme Court's decision to review the case illustrates the value placed upon human rights in a democratic society, the power of the Supreme Court in our political system, and the factors which influence decision-making.

second trial. Ask: Why didn't Gideon hire a lawyer? Review with students what they have learned about the Supreme Court's right to decide whether or not to review cases.

112. Have pupils read the section, "The Supreme Court Decision to Hear the Case." Discuss the questions raised in the case study. Also discuss the effect of the right to grant or withhold certiorari upon (a) the Court's power in the judicial system and (b) the chances of obtaining changes in past rulings of the court. Analyze the points of conflict in the Gideon case thus far. Also review the case of Shufflin' Sam. How had his case reached the Supreme Court? Why was his case unusual.

I; IVA,B1a,2a E1b,2f,4b VA,B1b,2a, C1a; VIIB2, C1; IXA2,C1,2

West, "The Right to a Lawyer: The Gideon Case"

A. HAS A REASONED LOYALTY TO THE U.S. AND DESIRES TO MAKE IT AN EVER-BETTER PLACE IN WHICH TO LIVE.

G9. The contrast between democratic and non-democratic political systems may be looked at as a conflict in basic underlying values.

G9. The contrast between democratic and non-democratic political systems may be looked at as a conflict in basic underlying values.

A. HAS A REASONED LOYALTY TO THE U.S. AND DESIRES TO MAKE IT AN EVER-BETTER PLACE IN WHICH TO LIVE.

G4c. The institutions of government constitute the arenas or the structure within which authoritative decisions of the political process are made, they thus affect those decisions.

S. Uses READER'S GUIDE to locate information.

S. Uses CURRENT BIOGRAPHY and WHO'S WHO to locate information.

S. Applies previously-learned concepts and generalizations to new data.

G12. Constitutions change by formal amendments and by changes in custom and interpretation.

G1c. Compromise is often achieved in the political system by reliance on ambiguous symbols and words, by post-

4. The Supreme Court's appointment of a well-known lawyer to defend Gideon illustrates the value placed upon human rights in a democratic society and the influence of norms upon decision-making.

C. Gideon's case illustrates the importance of precedents in legal reasoning, while at the same time illustrating the way in which the Constitution is changed through interpretation.

113.	Have pupils read the section on the defense lawyer. Discuss: Does the Supreme Court have to appoint a well-known lawyer? Why does it do so? Why would Fortas accept the appointment? How might the custom of appointing a well-known lawyer affect the outcome of pauper cases?	IVE1a,5f IXA2,B1	West, "The Right to a Lawyer: The Gideon Case"
114.	Some pupil might investigate to find out what position Fortas now holds.		Use Reader's Guide or Current Biography or Who's Who.
115.	Review with students the main form of legal reasoning. (Why is it important to study precedents in the Gideon case?) Then have pupils read the section on "Past Decisions." As they read, they should place the name of the case on one side of a sheet of paper, and the rule followed in making the decision on the other side.	IC1; IVA1, 3,7a,B3a, b,C1a,b, E2h,5a; VIA,C;VII A1,B1;IXB1,2, XIA1,2,C3 XIIA2,C2e; XIIIB2a,4a,b	West, "The Right to a Lawyer: The Gideon Case"

poning the substantive resolution of disagreement by an empty formula, or by postponing an agreement on principle while settling an individual case.

G4. Decision-making is influenced by the decision-maker's internalized values, attitudes, and perceptions; by other decision-makers in government; by interest groups and general public opinion, and by the structure within which decisions are made.

G6. Federalism pays greater homage than unitary governments to local differences and autonomy, but it also pays the greater price in inconsistencies and diversity.

G7. Taking the policy-making process as a whole, the general strategic advantage lies with the status quo.

G13. The political system consists of a number of major components, each of which affects the other components.

G4. Decision-making is influenced by the decision-maker's internalized values, attitudes, and perceptions; by other decision-makers in government; by interest groups and general public opinion ; and by the structure within which decisions are made.

G4. Decision-making is influenced by the decision-maker's internalized values, attitudes, and perceptions, by other decision-makers in government, by

D. Gideon's case illustrates the many influences upon decision-making.

1. It indicates the influence of the legal profession (through the articles in legal journals and lower court judges).

2. It indicates the influence of interest groups.

116.	Ask pupils who have read form B of the case study: What influence did the circuit court judge have on the Betts decision? Also discuss: If you had been a Supreme Court Justice, how would you have reacted to the critical articles in the Legal Journals? Why? (Discuss the influence of any professional group upon its members.)	IVB3a,C1b VC1b	
117.	Have a pupil tell very briefly how the NAACP flooded legal journals when it was trying to get the court to change its mind on another matter. Discuss: Why didn't the NAACP just send letters to the	IVC1b,2a, D1,3c,E5e XVIB	"Selected Readings on the Judicial Process," #6

interest groups and general public opinion; and by the structure within which decisions are made.

G16. Political activity, by which the individual seeks his goals and interests through the political system, takes any number of forms, depending on the nature of the system, and varies greatly in incidence.

S. Applies previously-learned concepts and generalizations to new data.

G4a. Any decision is in part a product of the internalized values and the perceptions of the person making the decision.

G4. Decision-making is influenced by the decision-maker's internalized values, attitudes, and perceptions; by other decision-makers in government; by interest groups and general public opinion; and by the structure within which decisions are made.

G5a. An individual or group may have power at one point in the political system but not at another point; that is, political power relates to specific points of decision-making within the political process.

4. It indicates the influence of formal and informal structure.

judges or arrange to talk with them someday about civil rights cases?

118.	Have pupils assume that they are working for the defense on this case. Would it be important for them to know anything about the attitudes of the different justices? Why or why not? (Review what they have learned about the way in which judges help make laws and about the factors presidents consider when appointing justices.)	IIA2;IVA	
119.	Have pupils read the section on the Justices of the Supreme Court when Fortas took the case. Discuss the question in caps in the case study.	IVA2,3,4, 7a,E5a, VIA;VIIA1, B1	West, "The Right to a Lawyer: The Gideon Case"
120.	Have pupils read the section on preparing the case for Gideon. Ask: What was the cost, in general terms, of the case to the Fortas law firm? Why would the firm be willing to pay these costs? How did the members of the firm influence Fortas and so the outcome of the case? What arguments did Fortas decide to use to get the Court to reverse the Betts Rule?	IVA2,7a, E1a; VC1;VIA,C IXA2,B2 XIIIB1a	West, "The Right to a Lawyer: The Gideon Case"

G6. Federalism pays greater homage than unitary government to local differences and autonomy, but it also pays the greater price in inconsistencies, diversity, and competition.

G9. The contrast between democratic and non-democratic political systems may be looked at as a conflict in basic underlying values.

S. Identifies assumptions.

G4c. The institutions of government constitute the arenas or the structure within which authoritative decisions of the political process are made; they thus affect those decisions.

G4b1. The interest group operates and attempts to bring influence to bear wherever in the political system public policy is being made.

G4b1a. The interest group attempts to bring aggregates of influence to bear upon decision-makers by attempts to frame the possible choices the decision-makers have, by direct influence, by education, and by attempts to control the selection of the decision-makers.

G16. Political activity, by which the individual seeks his goals and interests through the political system, takes any number of forms, depending on the nature of the system, and varies greatly in incidence.

121.	Have the pupils read the section on the lawyer for the state of Florida. When they have finished the reading, discuss the assumption which Jacobs had about the Florida prisoners. Remind pupils of the custom of appointing a well-known lawyer to defend paupers before the Supreme Court. Ask: In the light of what you have read about the Florida lawyer, why is this custom even more important than you thought earlier?	IVE2g,h IXB2	West, "The Right to a Lawyer: The Gideon Case"
122.	Have pupils read the brief section on "Briefs by Other Parties." Discuss the question in caps at the end of the section. Discuss the role of interest groups in submitting such briefs. Why would they do so? Why don't they use more traditional methods of influencing legislators? Summarize the methods studied so far by which interest groups seek to influence judicial decision-making.	IVC1a,2a; XVI	West, "The Right to a Lawyer: The Gideon Case"

G4b. The decision-maker reacts to pressures from other decision-makers and from outside the government.

G13a. A law or policy or court decision must be effectuated and applied; in that process the whole decision-making and influence process goes on again.

G4. Decision-making is influenced by the decision-maker's internalized values, attitudes, and perceptions; by other decision-makers in government; by interest groups and general public opinion; and by the structure within which decisions are made.

G4. Decision-making is influenced by the decision-maker's internalized values, attitudes, and perceptions; by other decision-makers in government; by interest groups and general public opinion; and by the institutions or structure within which decisions are made.

G2. The separation of powers is built on an assumption of political functions

123. Have pupils read the section on "Oral Hearings." Discuss: How did Fortas' arguments compare with the arguments prepared for him by the Harvard law student? How does a case before the Supreme Court differ from a case in a trial court?

IVC1a;E2a,e
VIC
IXA2,B2
XIIIB2a
XIVB1

West, "The Right to a Lawyer: The Gideon Case"

124. Before pupils read about the Court's decision, have them each write a statement on: To overturn or keep the Betts rule? They should list the arguments on each side and explain how they would decide the case. Discuss the pupils' conclusions. If pupils differ, why do they differ? Be sure to bring out a disadvantage of overturning a past rule no matter how much one thinks that the rule is wrong.

IV

VIA,C
IXA2;B2

125. Or call for nine volunteers to serve as the Supreme Court Justices in the Gideon case. Appoint one of them Chief Justice, and have each of the others assume the role of one of the other justices. They should stage a Friday conference, with each presenting the arguments which his justice would be most likely to make. Let the justices vote. (This decision can be compared with the actual decision later. If they do not agree, why not?)

IVA3,4,7a;
C1a
VIA,C
IXA2;B2

126. Have pupils read the section on "The Decision". An able student might read additional material on persuasion at conferences and the role of opinions in changing votes. Discuss: How do Supreme Court justices influence each other? How can the Chief Justice influence the decision and the effects of the decision? Why is the choice of the man who writes a decision important? How does the decision-making of Justices differ from that of jurors? (Emphasize the fact that the first vote is not necessarily final, and that justices depend somewhat upon own research and the arguments of other justices.) Were the justices

IC2a,b
IIA1,2
IIIC
IVB1a,b,2a,b;
C1a;E2b,d,h,
3d,4a,b
V B2d
VIIID
IXB1
XA2;C2e

West, "The Right to a Lawyer: The Gideon Case"
Frank, The Marble Palace, pp.119ff.

which cannot easily be separated in reality.

G3. The role of the Judiciary depends on the nature of law and the nature of the Consitution which it expounds.

G12. Constitutions change by formal amendment and by changes in custom and interpretation.

G1c Compromise is often achieved in the political system by reliance on ambiguous symbols and words, by postponing the substantive resolution of disagreement by an empty formula, or by postponing an agreement on principle while settling an individual case.

E. The Gideon case illustrates the way in which compromise is often achieved in the political system by postponing the substantive resolution of disagreement on a basic principle while settling a concrete case.

G13. The political system includes a number of major components, each of which affects the other components.

A. IS COMMITTED TO THE FREE EXAMINATION OF SOCIAL ATTITUDES AND DATA. SEARCHES ACTIVELY FOR DIFFERENT POINTS OF VIEW AND INTERPRETATIONS. VALUES INDEPENDENT THOUGHT.

A. HAS A REASONED LOYALTY TO THE U.S. AND DESIRES TO MAKE IT AN EVER-BETTER PLACE IN WHICH TO LIVE.

G11. Democracy is a complicated consent and consensus system in which consent may move from government to citizen as well as from citizen to government.

F. The Gideon case illustrates the interrelationships among the major components of the political system.

1. It illustrates the way in which decisions and opinions of the Supreme Court have an influence upon the attitudes of other justices, lawyers, legislators, and the general public.

making law or only deciding a legal dispute? How does the kind of law handled by the Supreme Court differ from that in minor state courts? What effect does this difference have upon the importance of each type of court?	XIA2 XIIIB4a XIVB1	
127. Discuss: What were some of the questions left undecided by the Gideon case? Why do you think the Court did not decide these questions at this time when it decided one of them within the coming year?	IC1,2a,b	
128. A pupil might start a series of cartoons illustrating different viewpoints toward at least five cases studied in this unit. He might start with the Gideon case.		
129. Have pupils read the "Aftermath of the Gideon Decision." Discuss the questions in caps in this section. Be sure that the student responsible brings up-to-date the chart which shows the progress of the Gideon case.	IA2a,b, C1a,e IVB3b,E1 VIIA1,B2 VIIID IXA2,B1 XIA1,C3 XIIA2,C2e XIIIB2a,C1	West, "The Right to a Lawyer: The Gideon Case".

G1a1 The community demands order and stability--goals which may be incompatible with the demands of individuals. The continuing attempt to solve the dilemmas of this conflict is, perhaps, the central problem in all attempts to create and modify political institutions.

G4c. The institutions of government constitute the arenas or structure within which the authoritative decisions of the political process are made; they affect those decisions by limiting or granting access to decision-makers, setting the procedures of decision-making, setting the powers of decision-makers, informally distributing power among decision-makers, and setting the norms to be followed by decision-makers.

G13. The political system includes a number of major components, each of which affects the other components.

S. Identifies assumptions.

G12. Constitutions change by formal amendments and by changes in custom and interpretation.

G4b. The decision-maker reacts to pressures from other decision-makers and from outside the government.

G7. Taking the policy-making process as a whole, the general strategic advantage lies with the status quo.

G9. The contrast between democratic and non-democratic political systems may be looked at as a conflict in basic underlying values.

2. It illustrates the fact that court decisions must be carried out by some other agency.

3. It illustrates the fact that decisions of the Supreme Court affect many Americans other than those who are party to the dispute.

4. It illustrates the fact that the Court must depend upon others to bring cases to it.

G3. The role of the Judiciary depends on the system of law and the nature of the Constitution which it expounds.

G12. Constitutions change by formal amendment and by changes in custom and interpretation.

G1a1. The community demands order and stability--goals which may be incompatible with the demands of individuals, The continuing attempt to solve the dilemmas of this conflict is, perhaps, the central problem in all attempts to create and modify political institutions.

G6. Federalism pays greater homage than unitary governments to local differences and autonomy, but it also pays the greater price in inconsistencies and diversity.

G5a. An individual or group may have power at one point in the political system but not at another point; that is, political power relates to specific points of decision-making within the political process.

G9. The contrast between democratic and non-democratic political systems may be looked at as a conflict in basic underlying values.

A. HAS A SENSE OF RESPONSIBILITY FOR TAKING INFORMED ACTION ABOUT PROBLEMS CONFRONTING THE NATION.

130. A pupil might write a series of editorials or newspaper columns by a Washington correspondent of a local newspaper on important decisions of the Supreme Court (e.g. Gideon case, Irvine case, Flag Salute case, McNabb case, etc.) He should start his series with the Gideon case. His last article or editorial should appraise the role of the Supreme Court.

IA2a1
IIIC;VA
VIA; IXB1
XIA1,C3
XIIA2

131, Have several pupils prepare a mock news roundup, with commentators talking about reactions of different people or groups to the Gideon decision. (e.g. They could discuss reactions in Florida, in Florida prisons, Gideon himself, Fortas, the Minnesota Attorney General, etc.)

IA2a,b
VIA;VIIID
IXA2,B

132. Or have three pupils stage an imaginary interview with Gideon and with Jacobs after the decision.

IA2a,b
VIIID
IXA2,B1,2

133. Discuss: The Supreme Court protects those who cannot influence the legislature. Read aloud quotations from Lewis on the role of the Court. Emphasize the fact that the Court cannot start cases itself. Discuss: How does this fact influence the power of the Court in our political system? What does it mean for those who look to the Court to safeguard civil liberties?

IVE1e,3e
VB1a,2
IXB1
XVIA1,2

Lewis, Gideon's Trumpet, pp. 209-217.

G16. Political activity, by which the individual seeks his goals and interests through the political system, takes any number of forms, depending on the nature of the system, and varies greatly in incidence.

G4. Decision-making is influenced by the decision-maker's internalized values, attitudes, and perceptions; by other decision-makers in government, by interest groups and general public opinion; and by the structure within which decisions are made.

G7. Taking the policy-making process as a whole, the general strategic advantage lies with the status quo.

G4a1. Ideologies are important for the structure they give to the political system, the answers they give to ambiguous situations, and the cues for responses they suggest; that is, for the ideologue, his ideology is an inarticulate guide, manual, and cue-book to the political system.

G13a. A law or policy or court decision must be effectuated and applied; in that process the whole decision-making and influence process goes on again.

134. Discuss: How frequently do you think uneducated and poor men such as Gideon can carry cases to the Supreme Court and change an important judicial rule? How much chance would Gideon or any man deprived of a procedural right such as this have of changing the procedure followed in a dictatorship? IVE1a XVIC1

135. Turn to the first question at the end of the Gideon case. (What are the factors influencing decision-making by the Supreme Court?) Be sure that pupils discuss the role of internalized attitudes of Justices, the influence of other decision-makers in government, the influence of public opinion changes, interest groups, and the legal profession, and the effects of structure (formal and informal). How do norms about following legal reasoning and precedents make it difficult to effect changes in rulings? IVA,B,C1,2 E1,2,5a VII

136. You may wish to break this question down or give pupils more guidance through the use of some of the other questions at the end of the Gideon case and through the use of additional reports.

(a) Ask pupils what is meant by ideology. How did Black's ideology affect his decision and opinion? IVA7a IXA2

(b) Have pupils analyze the problem facing the justices as they tried to decide how stringently to enforce the due process provision. VI XIIIB4a

G4. Decision-making is influenced by the decision-maker's internalized values, attitudes, and perceptions; by other decision-makers in government; by interest groups and general public opinion; and by the structure within which decisions are made.

G4. Decision-making is influenced by the decision-maker's internalized values, attitudes, and perceptions; by other decision-makers in government; by other interest groups and general public opinion; and by teh structure within which decisions are made.

G4c. The institutions of government constitute the arenas or structure within which the authoritative decisions of the political process are made; they affect these decisions by limiting or granting access to decision-makers, setting the procedures of decision-making, setting the powers of decision-makers, informally distributing power among decision-makers, and setting the norms to be followed by decision-makers.

G5a. An individual or group may have power at one point in the political system but not at another point; that is, political power relates to specific points of decision-making within the political process.

S. Applies previously-learned concepts and generalizations to new data.

(c) Discuss question no. 3 at end of Gideon case: What factors are at work determining the amount of influence which different people have on Supreme Court decisions? Discuss in terms of access to decision-makers, norms, rules of Supreme Court, etc.

IVE2a,b,
4a,b,c,5e
VB1a,2a,c,d

S. Checks on completeness of data.

G5a. An individual may have power at one point in the political system but not at another point; that is, political power relates to specific points of decision-making within the political process.

S. Checks on the completeness of data.

G4b. The decision-maker reacts to pressures from other decision-makers and from outside the government.

S. Tests and refines hypotheses in terms of new data.

G6. Federalism pays greater homage than unitary government to local differences and autonomy, but it also pays the greater price in inconsistencies, diversity and competition.

G7. Taking the policy-making process as a whole, the general strategic advantages always lie with the status quo.

G13. The political system includes a number of major components, each of which affects the other components.

G. The Gideon case illustrates the way in which federalism pays greater homage than unitary government to local differences and autonomy, but it also pays the greater price in inconsistencies, diversity, and competition.

(d) Discuss question no. 5 at end of Gideon case. Discuss: Can you really answer this question on the basis of what you have read? What else do you need to find out before you can answer this question?

VB1b,2a

(e) Have several pupils present a round-table discussion on "How Much Influence Do Law Clerks Have on Supreme Court Decisions?" Now ask students how they would answer question no. 5 at the end of the Gideon case. Or have pupils read these three selections and try to come to a conclusion about influence of law clerks. They should be asked to pick out ways in which each article is slanted somewhat by its omission of important data.

IVA2,C1a
VB1b,2a

Frank, Marble Palace, p. 118.
"The Bright Young Men Behind the Bench." U.S. News & World Report, July 12, 1957.
Clayton, Making of Justice, pp. 62-63.

(f) Discuss questions 3 and 4 at the end of the Gideon case. What influence did interest groups have? How do changes in public opinion affect judicial decisions? Point out that the class has discussed this question before. What more have they learned about this question from the Gideon case? Do they need to revise their earlier generalization?

IVC1,2

(g) Go back and analyze the Gideon case for the impact of federalism upon the judicial system. How does federalism give rise to incorsistencies in the protection of individual rights in this country? How does federalism make it more difficult to bring about rapid change in procedures? (If change had had to come through legislative act in order to provide uniform protection of a right to a lawyer, how many legislatures would have had to act? What would have happened if state officials had refused to follow the Supreme Court ruling?)

VIA;VIIA1
XIIC2c
XIIIB2a,4b

G2. The separation of powers is built on an assumption of political functions which cannot easily be separated in reality.

G12. Constitutions change by formal amendments and by changes in custom and interpretation.

G9b. Government action may both restrict and protect individual rights.

G8. Constitutions may contain negative prohibitions as well as grants of power and statements of relationships; that is, they may in democracies prevent majority action on some subjects or at least slow such action down.

G9. The contrast between democratic and non-democratic political systems may be looked at as a conflict in basic underlying values.

G4c. The institutions of government constitute the arenas or structure within which the authoritative decisions of the political process are made; they affect those decisions by limiting or granting access to decision-makers, setting the procedures of decision-making, setting the powers of decision-makers, informally distributing power among decision-makers, and setting the norms to be followed by decision-makers.

(h) Analyze question no. 2 at the end of the Gideon case. In what ways can the constitution be changed? Do more changes come through amendment or through interpretation? Were the judges in the Gideon case applying law in a mechanical way or helping to make law?

IIA1,2
XIIA2,C2b,e

(i) Discuss questions 6 and 7 at the end of the Gideon case. Also discuss: Does government action always restrict freedom? Would you still agree to your earlier conclusion on this point? Does it make for less democracy to have the Court able to declare acts of state officials unconstitutional? Did it make for less democracy in the Gideon case?

VIIID
IXB1,2

At this point, have pupils look once more at their list of things needed for a fair trial. Do they wish to add or delete anything from their lists?

(j) Discuss question 9. Ask students: What is the general method of legal reasoning? Of what importance were precedents in this case? Could the justices just have overturned the precedent without strong legal arguments for doing so?

IIIC2b
IVE5a
VIIB1
XIIIC3

G4. Decision-making is influenced by the decision-maker's internalized values, attitudes, and perceptions; by other decision-makers in government, by interest groups and general public opinion; and by the structure within which decisions are made.

G4a. Any decision is in part a product of the internalized values and the perceptions of the person making the decision.

S. Applies previously-learned concepts and generalizations to new data.

A. IS COMMITTED TO THE FREE EXAMINATION OF SOCIAL ATTITUDES AND DATA. SEARCHES ACTIVELY FOR DIFFERENT POINTS OF VIEW AND INTERPRETATIONS. VALUES INDEPENDENT THOUGHT.

S. Checks on the completeness of data.

S. Evaluates information in terms of the bias and competency of authors.

A. IS SCEPTICAL OF THE FINALITY OF KNOWLEDGE; CONSIDERS GENERALIZATIONS AND THEORIES AS TENTATIVE, ALWAYS SUBJECT TO CHANGE IN THE LIGHT OF NEW EVIDENCE.

S. Evaluates information in terms of bias and competency of author (witness).

G4c. The institutions of government constitute the arenas or the structure within which authoritative decisions of the political process are made; they thus affect those decisions.

(k) Discuss question 10 in the light of precedents and the Gideon case itself. What does this mean about the importance of assigning opinions? Who makes these assignments? — IVA,B1b,2b, 3b,E4a

137. Tell pupils that you are going to show them a film on the Gideon case. Why might it be wise to look at another source in this case? Show the film on the Gideon case and have pupils compare the data with that presented in the case study. Do they wish to change their minds at all about the conclusions which they have just reached? — IV — Film: Justice Under Law. EBF

138. Remind students of the witnesses at the Gideon trial. This trial hinged in part upon the testimony of witnesses. One of the arguments raised against retrying defendants who had been denied a lawyer was that such a long period of time had elapsed that some of the witnesses had died or disappeared. Would the length of time since the crime raise any other difficulties? Check on the ability of students to remember the details of the crime they viewed in the film Fidelity of Report by repeating the questions given them right after the film was shown. Compare results. How — IVE2g

G9. The contrast between democratic and non-democratic political systems may be looked at as a conflict in basic underlying values.

G1a1. The community demands order and stability which may be incompatible with the demands of individuals. The continuing attempt to solve the dilemmas of this conflict is, perhaps, the central problem in all attempts to create and modify political institutions.

G11. Democracy is a complicated consent and consensus system in which consent may move from government to citizen as well as from citizen to government.

S. Detects persuasion devices in cartoons and interprets cartoons.

S. Applies previously-learned concepts and generalizations to new data.

G1a1. The community demands order and stability--goals which may be incompatible with the demands of individuals. The continuing attempt to solve the dilemmas of this conflict is, perhaps, the

H. The Escobedo and Miranda cases have extended the right to a lawyer even further.

VI. The Irvine case deals with the freedom from search without a warrant and with the use of evidence; it also illustrates many of the aspects of judicial decision-making.

A. The Irvine case illustrates the value placed upon protecting individual rights in a democracy even when society is trying to protect itself against crime.

many days have elapsed since they saw the film? Suppose a number of years had elapsed. How good do they think their testimony would be? Tell the class about the statute of limitations. Do they think such a statute is needed for a fair trial?

139.	Have two pupils present a round table discussion on the arguments which have arisen from the Escobedo v. Illinois and the Miranda v. Arizona cases. They should prepare a dittoed summary of the two decisions for the pupils or a wall chart presenting the decisions in both cases before they begin discussing them and their implications and the role of courts in leading public opinion.	IA2a IIA2 IXA2,B1,2 XIA1,C1,3	Use Reader's Guide

140. Project some of the cartoons on these two cases and have pupils analyze them for persuasion devices and points of view.

141.	Have pupils read first paragraph of Irvine case. Then discuss the questions raised in the paragraph. Do they think that the police have the right to do the things they did? Should they have this right? Review what pupils learned about warrants in the paper on "Federal-State Court System." Point out that sometimes warrants are not needed, and describe general rules on this. Ask pupils to	IA2a, IVE2h,3d VIIID IXA2,B2	West, "The Right to Privacy: The Irvine Case."

central problem in all attempts to create and modify political institutions.

G9. The contrast between democratic and non-democratic political systems may be looked at as a conflict in basic underlying values.

G8. Constitutions may contain negative prohibitions as well as grants of power and statements of relationships; that is, they may in democracies prevent majority action on some subjects or at least slow such action down.

A. VALUES PROCEDURAL SAFEGUARDS NEEDED FOR A FAIR TRIAL FOR THOSE ACCUSED OF CRIMES.

G9a. Government action may both restrict and protect individual rights.

S. Uses key words to skim to locate information.

examine the rest of the introduction and the section on the trial to decide whether or not the Irvine case fits under these exceptions. Should such evidence be permitted if it were collected illegally? What are the conflict issues involved in this case? Now have pupils read about Irvine's arrest and trial.

142.	Discuss the case study questions about speedy trial and failure to put the defendants on the stand. Ask: Why weren't Irvine and other defendants forced to go on the stand by the prosecuting attorney?	IVE2h,3d VIIID IXA2	
143.	Have a report on Grand Juries including information on those in our state. (This report should include information on how jurors are selected, on their duties, on the amount of freedom they have from prosecuting attorneys, and on indictments. It should include both federal and local grand juries.) The pupil might interview someone who has served on a Grand Jury. Discuss: Why do you think we use Grand Juries?	IVE2 IXB1	State Legislative Manual
144.	A pupil might begin a scrapbook on Grand Jury Investigations in Our Area. He should write a brief comment on each clipping. (He should be reminded to use key words to locate this information in newspapers.)	IVE2	

G3. The role of the Judiciary depends on the system of law and the nature of the Constitution which it expounds.

G12. Constitutions change by formal amendments and by changes in custom and interpretation.

G9. The contrast between democratic and non-democratic political systems may be looked at as a conflict in basic underlying values.

G8. Constitutions may contain negative prohibitions as well as grants of power and statements of relationships; that is, they may in democracies prevent majority action on some subjects or at least slow such action down.

S. Applies previously-learned concepts and generalizations to new data.

A. VALUES PROCEDURAL SAFEGUARDS NEEDED FOR A FAIR TRIAL FOR THOSE ACCUSED OF CRIMES.

A. HAS A REASONED LOYALTY TO THE U.S. AND DESIRES TO MAKE IT AN EVER-BETTER PLACE IN WHICH TO LIVE.

G7. Taking the policy-making process as a whole, the general strategic advantages lie with the status quo.

G8. Constitutions may contain negative prohibitions as well as grants of power and statements of relationships; that is, they may in democracies prevent

B. The Irvine case illustrates the problems facing judges in interpreting law and the constitution as well as ways in which judges change law and the constitution through interpretation.

145. A pupil might prepare a chart to follow the course of the Irvine case through the court system. He could make a wall chart or he could use a flannel board with cut-out figures.

IVE

146. Ask students to look at the wording in the quotations from the Fourth and Fifth Amendments. Have them pick out the vague terms. What do they think these terms mean? What does the vagueness mean in terms of the role of judges? Do you think the action of the police in the Irvine case was unreasonable? Was the use of wiretap evidence a violation of the prohibition against self-incrimination? Ask students if these amendments protected people against action of state governments. (They should have learned from the Gideon case that the 14th Amendment had been interpreted to cover some but not all of these rights.) Discuss: Was there any way in which the Supreme Court might be able to interpret the Constitution to give people these same protections against state governments.

IIA1,2;IIIB1
IVE2g,h,3d
VIA;VIIID
IXB2
XIIA3,c2

147. Have pupils read about the legal status of wiretapping and electronic devices before Irvine's case came to the Supreme Court. Ask pupils to look once more at the 1928 case. Were the justices following a principle of interpreting phrases literally or were they expanding the meaning by thinking of the general intent of the authors of the Constitution? Have pupils look once more at the wording in the federal statute on wiretapping. Why would the courts have difficulty interpreting this section? How would students interpret it? (Undoubtedly students will differ and see why judges would have difficulty.) Have pupils look once again at the case in which federal authorities placed a mike on the wall of the adjoining room. Did the justices interpret the wiretapping law literally or according to intent?

IIA2;IVE2g, h,3d, VIA; VIIA1, B1;VIIID IXB2 XIIC2e XIIIB4a,C1,3

West, "The Right to Privacy: The Irvine Case" Forms A,B

majority action on some subjects or at least slow down such action.

G6. Federalism pays greater homage than unitary governments to local differences and autonomy, but it also pays the greater price in inconsistencies and diversity.

G12. Constitutions change by formal amendment and by changes in custom and interpretation.

G13a. A law or policy or court decision must be effectuated and applied; in that process the whole decision-making and influence process goes on again.

G4. Decision-making is influenced by the decision-maker's internalized values, attitudes, and perceptions; by other decision-makers in government; by interest groups and general public opinion; and by the structure within which decisions are made.

G1. All societies have potential conflict among their members and must work out means of accommodating differences.

G1a1. The community demands order and stability--goals which may be incompatible with the demands of individuals. The continuing attempt to solve the dilemmas of this conflict is, perhaps, the central problem in all attempts to create and modify political institutions.

C. The Irvine case and similar cases which preceded it illustrate the point that laws must be enforced to be effective and that those charged with enforcing laws are influenced by the same factors influencing any other decision-maker. It also illustrates conflicts over law enforcement.

148. Discuss: Why would both federal and state authorities permit police (FBI or state police) to violate a law prohibiting wiretapping? What conflict issues were involved in the question of whether or not wiretapping should be permitted? Why would federal authorities hesitate to bring charges against private detectives who violated the wiretapping law? If the courts would not admit the use of wiretapping or eavesdropping evidence, what would happen to the use of such methods? What is the danger if they admit evidence obtained illegally?

IA2a
IVE2g
XIIIB1,4a,c

G4a. Any decision is in part a product of the internalized values and the perceptions of the person making the decision.

G6. Federalism pays greater homage than unitary government to local differences and autonomy, but it also pays the greater price in inconsistencies, diversity, and competition.

G7. Taking the policy-making process as a whole, the general strategic advantage lies with the status quo.

G4. Decision-making is influenced by the decision-maker's internalized values, attitudes, and perceptions; by other decision-makers in government; by interest groups and general public opinion; and by the structure within which decisions are made.

G12. Constitutions change by formal amendment and by changes in custom and interpretation.

G8. Constitutions may contain negative prohibitions as well as grants of power and statements of relationships; that is, they may in democracies prevent majority action on some subjects or at least slow such action down.

G9. The contrast between democratic and non-democratic political systems may be looked at as a conflict in basic underlying values.

S. <u>Applies previously-learned concepts and generalizations to new data</u>.

D. The Irvine case and similar cases which preceded it illustrate the way in which federalism pays greater homage than unitary governments to local differences and autonomy but also pays the greater price in inconsistencies, diversity, and competition.

149. Discuss: How did the attitudes of justices toward federalism affect their decision in the Wolf case? What effect did federalism have upon attempts to extend certain procedural rights to state courts? IVA2 VIA VIIA1

150. Have pupils look once again at the Rochin case. Did the justices interpret the Constitution literally or according to intent in this case? What two points of law were at issue in this case? Do pupils think that the use of the stomach pump was self-incrimination? IVA,E3d, VIIID IXB1 XIIA3,C2

G7. Taking the policy-making process as a whole, the general strategic advantage lies with the status quo.

F. The Irvine case illustrates the system of appeal in a large state.

G1a1. The community demands order and stability--goals which may be incompatable with the demands of individuals. The continuing attempt to solve the dilemmas of this conflict is, perhaps, the central problem in all attempts to create and modify political institutions.

G7. Taking the policy-making process as a whole, the general strategic advantage lies with the status quo.

G. The Irvine case illustrates how the process of legal reasoning (reliance on precedent) tends to promote the status quo.

G4. Decision-making is influenced by the decision-maker's internalized values, attitudes, and perceptions; by other decision-makers in government; by interest groups and general public opinion; and by the structure within which decisions are made.

G6. Federalism pays greater homage than unitary governments to local differences and autonomy, but it also pays the greater price in inconsistencies and diversity.

G7. Taking the policy-making process as a whole, the general strategic advantage lies with the status quo.

G16. Political activity, by which the individual seeks his goals and interests

H. The Irvine case illustrates the effects of the internalized values and perceptions of judges as well as the effects of political institutions and public opinion upon judicial decision-making.

151.	Discuss: In what ways did the Irvine case resemble the Rochin case? Was there any clear indication of how the Court would rule in the Irvine case? Now have pupils read about Irvine's conviction and appeal. Discuss the question raised in this section.	VIIB1 XVIA1	West, "The Right to Privacy: The Irvine Case," Forms A,B
152.	Before students read the Court's decision, do one of two things, just as you did in the Gideon case: (a) Have each pupil write a brief statement on: "To overturn or keep the Wolf rule?" (b) Call for 9 volunteers to serve as the Supreme Court members. They should stage a mock Friday conference, discuss the case, and take a preliminary vote. Later, compare their decision with the decision of the real Court. If they differ, discuss reasons for the difference. (Note that they cannot assume the role of real justices here, since they have not read about them yet. Differences in the decisions may be due to the fact that pupils have not read about the justices or the arguments used in oral hearings.)	IA2a;IV VII	
153.	Have students read the section on the Supreme Court Decision. Discuss the questions in caps. Also discuss the importance of ideology in this decision.	IVA2,3,7a, C1a,E5a VIA VIIA1,B1, 2,3 IXB2 XIIIB1,4a XVIA1	

through the political system, takes any number of forms, depending on the nature of the system, and varies greatly in incidence.

S. Applies previously-learned concepts and generalizations to new data.

G13a. A law or policy or court decision must be effectuated and applied; in that process the whole decision-making and influence process goes on again.

G7. Taking the policy-making process as a whole, the general strategic advantage lies with the status quo.

G16. Political activity, by which the individual seeks his goals and interests through the political system, takes any number of forms, depending on the nature of the system, and varies greatly in incidence.

154. A pupil might prepare a graph showing the number of years each Justice had served on the Court at the time of the Irvine decision and his vote in the case. Discuss: If justices could serve only six years, would the Court have been any more likely to change the Wolf ruling? VIIB1

155. Discuss: Do you agree or disagree with the following statement: The very poor and the very rich are more likely to get justice in this country than the middle-income person. What are the problems of appealing decisions for the ordinary citizen? What are the costs involved? The time and effort involved? Could an appeal affect a man's reputation? (Tell pupils about what happened to some of those who appealed the school-released time case.) Is it easier to appeal in this country than it would be in a dictatorship? Why or why not? What proportion of cases is appealed? Have pupils reexamine figures showing the number of appeals. IVE1a XVIA1,C

G4b. The decision-maker reacts to pressures from other decision-makers and from outside the government.

G6. Federalism pays greater homage than unitary governments to local differences and autonomy, but it also pays the greater price in inconsistencies and diversity.

S. Reads for main ideas.

G13. The political system includes a number of major components, each of which affects the other components.

G12. Constitutions change by formal amendment and by changes in custom and interpretation.

A. HAS A REASONED LOYALTY TO THE U.S. AND DESIRES TO MAKE IT AN EVER-BETTER PLACE IN WHICH TO LIVE.

A. VALUES PROCEDURAL SAFEGUARDS NEEDED FOR A FAIR TRIAL FOR THOSE ACCUSED OF CRIMES.

G9. The contrast between democratic and non-democratic political systems may be looked at as a conflict in basic underlying values.

G8. Constitutions may contain negative prohibitions as well as grants of power and statements of relationships; that is, they may in democracies prevent majority action on some subjects or at least slow such action down.

I. The Irvine case illustrates the effects of the Supreme Court opinions upon other judges, legislators, and general public opinion. It also illustrates the way in which Supreme Court decisions affect other Americans than those a party to the case.

156.	Have pupils read the sections on "Results of the Decision" and "The Supreme Court Adopts a New Rule." Ask them to pick out the main idea of this section, and write a headline and first paragraph for a newspaper article on results of the Irvine case. Compare headlines and paragraphs. For example, you might pick out three of them which differ considerably as to quality. Project them with an opaque projector. Which makes the best summary? Why?	IVB3b,C1a VI;VIIA1 VIIID IXB1 XIIA3,C2c,e XIIIB4a,C1	West, "The Right to Privacy: The Irvine Case," Forms A,B
157.	Have a pupil give an oral report on Wiretapping and Eavesdropping. He should discuss the techniques available in terms of what they make possible, kinds of cases in which such devices have been used to infringe upon people's privary, and the possibilities of tampering with such evidence. Perhaps a group of pupils could prepare a script of testimony by a witness, and tape this testimony. Then they could make a copy which they could splice so as to change the meaning. They could play both tapes to the class.	IXA2,B3	Use Reader's Guide to locate recent articles.
158.	Have pupils add to their list of evidence not permitted in court.	IVE2g VIIID	

G9. The contrast between democratic and non-democratic political systems may be looked at as a conflict in basic underlying values.

S. Reads for main ideas.

G9b. Government action may both restrict and protect individual rights.

G9. The contrast between democratic and non-democratic political systems may be looked at as a conflict in basic underlying values.

G16. Political activity, by which the individual seeks his goals and interests through the political system, takes any number of forms, depending on the nature of the system, and varies greatly in incidence.

G12. Constitutions change by formal amendments and by changes in custom and interpretation.

G4. Decision-making is influenced by the decision-maker's internalized values, attitudes, and perceptions; by other decision-makers in government, by interest groups and general public opinion, and by the structure within which decisions are made.

G2. The separation of powers is built on an assumption of political functions which cannot easily be separated in reality.

159. Have three pupils stage imaginary interviews with: (a) Irvine just after the Supreme Court decision in his case and after the 1955 case; (b) the California Attorney General just after the Irvine decision and after the 1955 case. IXB1,2

160. Discuss: How did the Irvine opinion help protect individual rights even though the Court voted against Irvine? How were judges able to influence public opinion through this decision? Do you think the decision in the 1955 case makes any difference to you? IXB1 XIIIC1

161. Have two pupils stage an imaginary interview between Fortas and Lavine on why they were willing to handle the Gideon and the Irvine cases. IXA2 XVIA1

162. Discuss: How did the judges affect the Constitution through the 1955 decision? Were they applying law mechanically or helping to make the law? What were the factors affecting decision-making in the Irvine case? IIA1,2 IVA,B,C,E XIIA3,C2e

G9. The contrast between democratic and non-democratic political systems may be looked at as a conflict in basic underlying values.

A. VALUES PROCEDURAL SAFEGUARDS NEEDED FOR A FAIR TRIAL FOR THOSE ACCUSED OF CRIMES.

G8. Constitutions may contain negative prohibitions as well as grants of power and statements of relationships; that is, they may in democracies prevent majority action on some subjects or at least slow such action down.

VII. The Constitution protects rights through other restrictions upon the federal and state governments; these protections have been added through amendments and through Supreme Court interpretation.

A. The Sixth Amendment protects rights to a fair trial; the Supreme Court has clarified and modified the meaning of the guarantees.

G8. Constitutions may contain negative prohibitions as well as grants of power and statements of relationships; that is, they may in democracies prevent majority action on some subjects or at least slow such action down.

G9. The contrast between democratic and non-democratic political systems may be looked at as a conflict in basic underlying values.

G9b. Government action may both restrict and protect individual rights.

A. VALUES PROCEDURAL SAFEGUARDS NEEDED FOR A FAIR TRIAL FOR THOSE ACCUSED OF CRIMES.

163.	Have pupils look back at the list they made at the beginning of the unit on what they thought essential to a fair trial and treatment before trial. They should check off any points which they have now discovered to be safeguarded by the Constitution. They should add safeguards which they had not listed. Tell students they will now study some of the other procedural safeguards. (Define this term.)	IVE2g,h,3 IXA2	
164.	Have pupils read paragraph 1 of the paper on the Sixth Amendment. Before they read any more, do the following: Point out that the amendment refers to an impartial jury. Ask: Does the Constitution define this term or indicate what it means? Does it say that such a jury must reach a unanimous decision? Does it say that the jury should consist of twelve men? The amendment refers to speedy trial. What does this mean? Could a trial which is too speedy hurt the defendant? What do students think compulsory process means? The amendment states that the defendant has the right to be confronted with the witnesses against him. What do the pupils think this means?	IVE2h,3d,5 VIIID IXA2 XIIC2a	West, "The Sixth Amendment"
165.	Have pupils read the rest of the paper on the Sixth Amendment. Then discuss: Why is a public trial important? Why should a defendant be informed of the charges against him? Why should a defendant have the right to cross-examine witnesses? How did this right help Gideon in his second trial? (Discuss in terms of consequences if these rights did not exist.) Also ask: Should defendants have the right to insist that people show up to testify? Why or why not? Read aloud excerpts from the case reported by Douglas on the Englishman who went to death because he was not granted this right. Perhaps have two pupils assume the roles of the lawyer and the witness and read aloud the cross-examination presented in Douglas.to illustrate the importance of cross examination. Also discuss: Why do you think the Supreme Court overturned the lower court decision in the last case described in this paper?	IVE2h,3d IXA2,B1,2 XB2 XIIA2	West, "The Sixth Amendment" Douglas, Almanac of Liberty, p. 16.

G10. Freedom's relationship to democracy is a close and obvious one; the organization of majorities, the competition in goals, and the ability to oppose which democracy presupposes, all depend on a high degree of personal freedom.

G4c. The institutions of government constitute the arenas or structure within which the authoritative decisions of the political process are made; they affect those decisions by limiting or granting access to decision-makers, setting the procedures of decision-making, setting the powers of decision-makers, informally distributing power among decision-makers, and setting the norms to be followed by decision-makers.

G12. Constitutions change by formal amendments and by changes in custom and interpretation.

G9b. Government action may both restrict and protect individual rights.

G10. Freedom's relationship to democracy is a close and obvious one; the organization of majorities, the competition in goals, and the ability to oppose which democracy presupposes, all depend on a high degree of personal freedom.

G9a. Government action may both restrict and protect individual rights.

166.	Have a pupil give an oral report on lie detectors and reasons why lie detector evidence is not admitted in court.	IXB1	Use Reader's Guide to locate articles.
167.	Invite a newspaper reporter to speak to the class (or have a pupil interview him) on the rules which newspapers follow in reporting on local people who have been charged and are being tried. What are the professional ethics which they follow? Are there any legal reasons for following these principles? Is a free press necessary to a fair trial? How did the newspaper publicity at the time of Oswald's assassination affect the chances which Oswald would have had if he had lived? In general, how can newspapers either prevent or help secure a fair trial?	IVE5e IXB2 X	

S. Applies previously-learned concepts and generalizations to new data.

G12. Constitutions change by formal amendment and by changes in custom and interpretation.

G13a. A law or policy or court decision must be effectuated and applied; in that process the whole decision-making and influence process goes on again.

G1a1. The community demands order and stability which may be incompatible with the demands of individuals. The continuing attempt to solve the dilemmas of this conflict is, perhaps, the central problem in all attempts to create and modify political institutions.

A. VALUES PROCEDURAL SAFEGUARDS NEEDED FOR A FAIR TRIAL FOR THOSE ACCUSED OF CRIMES.

168. Have a pupil give a report on Frontier Justice. Or review what pupils read during the overview and what they saw in the film Due Process of Law Denied. Pupils should note the procedural rights which were granted and not granted. These places were part of the United States. Why weren't these constitutional guarantees effective in securing justice? (Discuss the difference between guarantees before and after the 14th Amendment. Also discuss the problems of enforcing justice against actions of private individuals and problems of enforcing justice by government in areas where courts were not accepted as a legitimate way of securing justice.)

IA2a
IXB3d
XIIA3
XIIIB

169. A pupil might give a report on lynchings in the South during the 1920's and 1930's. Compare public reaction then to public reaction now when civil rights workers are killed. Why is there such a difference?

IXA2,B3d

170. Have a student report on Clarence Darrow: Defense Lawyer. He should point out: (a) the lack of procedural safeguards in some of the arrests of prisoners whom Darrow defended, (b) the importance of the right to cross-examine and call witnesses, (c) the social pressures which Darrow faced because he defended some of the men, (d) what Darrow did when he was placed on trial, (e) the ways in which lawyers help in the decision-making process.

IV;IXB2
XIIIB3
XIVB3,4
XVIA1

Noble, Clarence Darrow, Defense Attorney.

171. A pupil might write a short story about a person denied one of the procedural rights.

IXB2

G14. An institution is an interrelated cluster of roles and the attached meanings and values; changes in these roles and their relationships bring changes in the institution.

S. Applies previously-learned concepts and generalizations to new data.

G1a1. The community demands order and stability--goals which may be incompatible with the demands of individuals. The continuing attempt to solve the dilemmas of this conflict is, perhaps, the central problem in all attempts to create and modify political institutions.

G12. Constitutions change by formal amendments and by changes in custom and interpretation.

G4. Decision-making is influenced by the decision-maker's internalized values, attitudes, and perceptions; by other decision-makers in government, by interest groups and general public opinion; and by the structure within which decisions are made.

G8. Constitutions may contain negative prohibitions as well as grants of power and statements of relationships; that is, they may in democracies prevent majority action on some subjects or at least slow such action down.

B. Federal district court judges began issuing writs of habeas corpus to protect rights to a fair trial in state courts.

172.	Ask: How can a Federal District Judge use the writ of habeas corpus to protect procedural rights in state courts? Why did they begin to do this? How did this use of the writ of habeas corpus affect our federal system and the American judicial system?	IXB1 XIVD4	
173.	Have each pupil summarize in one paragraph the kinds of conflict involved in cases in which procedural rights are at issue. Compare several of the summaries in class.	IA2a	
174.	Have pupils read the eighth amendment (printed at the beginning of the paper on "The Eighth Amendment"). Why would it be difficult to interpret this amendment? Why would interpretations change over time? What do you think is cruel and unusual punishment? Do they think capital punishment is cruel and unusual?	IVA6,C1a,c VIIID IXA2 XIIA5,C2e	West, "The Eighth Amendment"

G9. The contrast between democratic and non-democratic political systems may be looked at as a conflict in basic underlying values.

G6. Federalism pays greater homage than unitary governments to local differences and autonomy, but it also pays the greater price in inconsistencies and diversity.

G12. Constitutions change by formal amendment and by changes in custom and interpretation.

G4b. The decision-maker reacts to pressures from other decision-makers and from outside the government.

G9a. Government action may both restrict and protect individual rights.

S. Categorizes data.

G10. Freedom's relationship to democracy is a close and obvious one; the organization of majorities, the competition in goals, and the ability to oppose which democracy presupposes, all depend on a high degree of personal freedom.

G10. Freedom's relationship to democracy is a close and obvious one; the organization of majorities, the competition in goals, and the ability to oppose which democracy presupposes, all depend on a high degree of personal freedom.

D. The First Amendment guarantees free speech, free press, freedom of religion, right to assemble, and the right to petition the government.

1. These rights are considered to be essential to the operation of a democracy.

175.	A pupil might use an almanac to get information to make a chart showing the status of capital punishment in this country. He should also use an old almanac in the library to make a chart for an earlier period, so that the two charts can be compared. Is capital punishment declining? If so, how fast? (In other words, are American ideas of cruel and unusual punishment changing?) How has the federal system promoted changes away from this kind of procedure?	VIA IXA2	World Almanac
176.	Have students read the paper on "The Eighth Amendment." Discuss the reasons for bail and limitations on the amount of bail. (Perhaps cite examples such as that of the communist case a few years ago or some of the civil rights cases more recently. Ask: Why was bail set so high in these cases?) Point out that in England at one time, people could be hanged for stealing a loaf of bread. Would we consider this cruel and unusual punishment today? Discuss: How have judges modified constitutional law in the cases reported in the paper which you have just read?	IVC1a VIIID IXB1,2 X	West, "The Eighth Amendment"
177.	Have pupils add to the various lists which they have been making (related to fair trial, procedural rights, and other civil liberties).		
178.	Have a pupil give a report on John Peter Zenger.	IXA1,2	Galt, John Peter Zenger.

G9a. Government action may both restrict and protect individual rights.

A. SUPPORTS FREEDOM OF THOUGHT AND EXPRESSION.

G8. Constitutions may contain negative prohibitions as well as grants of power and statements of relationships; that is, they may in democracies prevent majority action on some subjects or at least slow such action down.

G10. Freedom's relationship to democracy is a close and obvious one; the organization of majorities, the competition in goals, and the ability to oppose which democracy presupposes, all depend on a high degree of personal freedom.

G12. Constitutions change by formal amendments and by changes in custom and interpretation.

A. SUPPORTS FREEDOM OF THOUGHT AND EXPRESSION.

2. The Supreme Court has clarified and modified the meaning of these guarantees through its interpretation of specific cases.

179.	A pupil might prepare an imaginative written interview with two onlookers at the trial of John Peter Zenger. One might be an advisor to the governor and the other might be a friend of Zenger.	IXA1,2,B2 X	Galt, John Peter Zenger.
180.	Pass out the paper entitled, "You Be the Judge: First Amendment Cases." Read aloud the First Amendment. Call attention to fact that the amendment states that Congress shall not do certain things. How have the courts interpreted this to mean protection from state action? Call attention also to the fact that the amendment says "no law". Do they think this means that people can say anything they wish to about others? Discuss libel and slander, using examples. Also ask: Do you think the first amendment means that a person has a right to cry fire in a crowded theater? (In other words point out that there are some limitation. Cite Holmes' definition of the right.)	IIIB VIIID XA;XIIC2	"You Be the Judge: First Amendment Cases"
181.	Organize the class into a number of buzz groups and have them discuss these cases and reach decisions. Each group should turn in a list of its members, the name of the group's "lawyer", the majority decision, the name of any dissenters to this decision. Discuss the cases in class. Call on lawyers from different buzz groups to argue the cases. If all of the buzz groups reached the	IA2a,c VIIID XA;XIIC2	"You Be the Judge: First Amendment Cases"

G4b1b. No interest group pursues its goals entirely through the political system; it is drawn into political activity only in specific instances of goal-seeking.

G4b1a. The interest group attempts to bring aggregates of influence to bear upon decision-makers by attempts to frame the possible choices the decision-makers have, by direct influence, by education, and by attempts to control the selection of the decision-makers.

A. SUPPORTS FREEDOM OF THOUGHT AND EXPRESSION.

G5a. An individual or group may have power at one point in the political system but not at another point; that is, political power relates to specific points of decision-making within the political process.

G12. Constitutions change by formal amendment and by changes in custom and interpretation.

G10. Freedom's relationship to democracy is a close and obvious one; the organization of majorities, the competition in goals, and the ability to oppose which democracy presupposes, all depend on a high degree of personal freedom.

same decision, call on a dissenter from one of the groups, if there is any. Then compare class decisions to those of the Supreme Court. Discuss reasons for differences if there are any. Have each pupil make a list of the principles used by the court in making these decisions.

182. Interrupt the discussion of cases at the appropriate points to do the following: IVC2a,c

a. After the Hague Case: Discuss: How do labor unions usually seek their goals? In what other ways do they seek to use the political system to obtain their goals?

b. After the NAACP cases: analyze the difference in access which the NAACP had in state courts and legislatures as against federal courts. Discuss reasons. Also discuss what would have happened if the case had gone against the NAACP. Pupils should note that this case illustrates the way in which the first amendment has been extended to mean the right to organize permanent groups as well as to assemble in a meeting. IVC2a,E1f VB1a;X XIIA,C2

G13a. A law or policy or court decision must be effectuated and applied; in that process the whole decision-making and influence process goes on again.

G1a. In political conflict there is a struggle over scarce values or goals.

G12. Constitutions change by formal amendments and by changes in custom and interpretation.

G16. Political activity, by which the individual seeks his goals and interests through the political system, takes any number of forms, depending on the nature of the system, and varies greatly in incidence.

G4b1. The interest group operates and attempts to bring influence to bear wherever in the political system public policy is being made.

G4b1b. No interest group pursues its goals entirely through the political system; it is drawn into political activity only in specific instances of goal-seeking.

G9. The contrast between democratic and non-democratic political systems may be looked at as a conflict in basic underlying values.

e. After the Zorach case: Tell pupils the results of a study showing the lack of compliance with the rule on released time. Why is it so easy to violate this rule? Why can't courts enforce it? Discuss what happened to some of the people who brought such cases.	IVC1 XIIIB2	The teacher can use Frank Koraut "Separation of Church and State", in C.H. Pritchett & Alan F. Westin, eds., The Third Branch of Government., pp. 145-148
d. After the Murray case: Tell pupils about criticism of the Court which followed this decision. Discuss: What was the conflict in this case? Why was it political conflict, not just religious conflict?	IA	
e. After the West Virginia case: Point out that this was a reversal of an earlier ruling. Tell pupils about the role of Jehovah's Witnesses in litigation of a series of cases. Ask: How does this group ordinarily seek to achieve its goals?	IVC2a,c IXB1 XIIA XVIA2	

G9a. Government action may both restrict and protect individual rights.

G10. Freedom's relationship to democracy is a close and obvious one; the organization of majorities, the competition in goals, and the ability to oppose which democracy presupposes, all depend on a high degree of personal freedom.

G4b1a. The interest group attempts to bring aggregates of influence to bear upon decision-makers by attempts to frame the possible choices the decision-makers have, by direct influence, by education, and by attempts to control the selection of the decision-makers.

G10. Freedom's relationship to democracy is a close and obvious one; the organization of majorities, the competition in goals, and the ability to oppose which democracy presupposes, all depend on a high degree of personal freedom.

G1a. In political conflict there is a struggle over scarce values or goals.

G10. Freedom's relationship to democracy is a close and obvious one; the organization of majorities, the competition in goals, and the ability to oppose which democracy presupposes, all depend on a high degree of personal freedom.

	f. After Rockwell case: Point out that the ACLU, which is frequently attacked as being too liberal, sought to help Rockwell defend his rights despite the fact that it disliked Rockwell's views. Why? Perhaps cite more recent cases in which the ACLU has come to Rockwell's support in first amendment cases.	IVC2a X	
183.	Show the film Freedom to Read. Ask: What do you think should be done in a case such as this? Why? (This film involves an issue of censorship for political ideas.)	IA;IXA2 X	Film: Freedom to Read (Columbia, 14 minutes)
184.	Discuss: Are the First Amendment Rights more important than the procedural rights guaranteed in the Constitution? (Remind pupils of statement by law professor on importance of habeas corpus.)	XA,B1,2	

G16. Political activity, by which the individual seeks his goals and interests through the political system, takes any number of forms, depending on the nature of the system, and varies greatly in incidence.

G4b1. The interest group operates and attempts to bring influence to bear wherever in the political system public policy is being made.

G3c. The interest group attempts to bring aggregates of influence to bear upon decision-makers by attempts to frame the possible choices the decision-makers have, by direct influence, by education, and by attempts to control the selection of the decision-makers.

G9a. Government action may both restrict and protect individual rights.

G14. An institution is an interrelated cluster of roles and the attached meanings and values; changes in these roles and their relationships bring changes in the institution.

G12. Constitutions change by formal amendments and by changes in custom and interpretation.

185. Invite a representative of the state Civil Liberties Union to speak to the class on the work of this interest group. In what ways does it seek to influence judicial decisions and interpretations of the Constitution? What recent cases in this state has it been interested in? Why is protection of civil liberties a never-ending struggle? IVC2a IXB;X XIA2,C1 XVI

186. Discuss: How has the judicial system changed as the Supreme Court has demanded more uniform requirements on procedures from state officials and courts. XIVD

187. A pupil might write an imaginary story or description such as: XIIA,C
(a) A Rip Van Winkle story about a man who helped draw up the Bill of Rights, fell asleep, and awoke in the present day. He is arrested for vagrancy and appeals his conviction to the Supreme Court. He reacts to his case in terms of the differences between what he understood of these amendments when he helped write them and how he understands them today.

(b) The authors of the Bill of Rights meet in Heaven to discuss

G10. Freedom's relationship to democracy is a close and obvious one; the organization of majorities, the competition in goals, and the ability to oppose which democracy presupposes, all depend on a high degree of personal freedom.

A. SUPPORTS FREEDOM OF THOUGHT AND EXPRESSION.

G12. Constitutions change by formal amendment and by changes in custom and interpretation.

G9. The contrast between democratic and non-democratic political systems may be looked at as a conflict in basic underlying values.

G8. Constitutions may contain negative prohibitions as well as grants of power and statements of relationships; that is, they may in democracies prevent majority action on some subjects or at least slow such action down.

G13a. A law or policy or court decision must be effectuated and applied; in that process the whole decision-making and influence process goes on again.

E. The Fourteenth Amendment guarantees equal protection of the laws to all people.

1. The Supreme Court reversed an earlier ruling that this guarantee was satisfied by separate but equal facilities.

2. The lower courts have not interpreted the Supreme Court ruling in the same way and have not effectuated the ruling rapidly.

what has happened to their amendments. This meeting might take place after a particularly controversial case.

188. Three students might stage a mock meeting in Heaven between Supreme Court justices of 1800, 1870, and 1963. Have them discuss changes in the Constitution or the meaning of certain phrases in the Constitution. XIIA,C

189. Read aloud, paraphrasing where necessary, several quotations from Commager on the necessity for defending the rights of dissenters because of the negative effects upon democracy if people are discouraged from dissent. XA

Commager, Freedom, Loyalty, Dissent, pp. 18-20,22-23, 30-31,34-35,48-49, 91-92,154-155

190. Review what pupils learned in the Little Rock case study about the equal protection provision in the 14th Amendment, the Plessy case, the Brown case, and the need for cooperation from the executive to enforce court decisions. IA2c,C1
VIIID
IXA2
XIIA
XIIIB2b

G13a. A law or policy or court decision must be effectuated and applied; in that process the whole decision-making and influence process goes on again.

G16. Political activity, by which the individual seeks his goals and interests through the political system, takes any number of forms, depending on the nature of the system, and varies greatly in incidence.

G4b1. The interest group operates and attempts to bring influence to bear wherever in the political system public policy is being made.

G4b1a. The interest group attempts to bring aggregates of influence to bear upon decision-makers by attempts to frame the possible choices the decision-makers have, by direct influence, by education, and by attempts to control the selection of the decision-makers.

G1a. In political conflict there is a struggle over scarce values or goals.

G2. The separation of powers is built on an assumption of political functions which cannot easily be separated in reality.

G3. The role of the Judiciary depends on the system of law and the nature of the Constitution which it expounds.

191.	A pupil might make a graph to show the extent of compliance with the school segregation opinion of 1954. Or he might make a map of southern and border states to show in which states over half of the pupils are in integrated schools.	XIIIB2	Civil Rights Report of the Civil Rights Comm., 1963. p. 65 Or use current report.
192.	Have a pupil give an oral report on Thurgood Marshall: the Lawyer Who Won the School Integration Case.	XVIA2	Use Current Biography
193.	Have a representative of the NAACP speak to the class on that organization's use of litigation and other devices to achieve its ends. (Before he comes, have pupils read the appropriate part of the selection dealing with "Pressure Group Tactics and the Supreme Court."	IVC2a,c E1a VB1a XVIA2	"Selected Readings on the Judicial Process," #6
194.	A pupil might investigate and report on a recent Supreme Court, circuit court, or district court decision on civil rights. (Perhaps include one testing some part of the 1964 Civil Rights Act.) Discuss: Does this case help support or does it contradict our earlier generalizations about the separation of powers? Tell pupils about the role of the Justice Department in the case, if it played any part.	IA2a,c IIA1,2 III;VB2b IXA2 XIIA1,C2b	Use Reader's Guide to locate articles.

G4a1. Ideologies are important for the structure they give to the political system, the answers they give to ambiguous situations, and the cues for responses they suggest; that is, for the ideologue, his ideology is an inarticulate guide, manual, and cue-book to the political system.

G9. The contrast between democratic and non-democratic political systems may be looked at as a conflict in basic underlying values.

G8. Constitutions may contain negative prohibitions as well as grants of power and statements of relationships; that is, they may in democracies prevent majority action on some subjects or at least slow such action down.

G4b. The decision-maker reacts to pressures from other decidion-makers and from outside the government.

A. SUPPORTS FREEDOM OF THOUGHT AND EXPRESSION.

A. VALUES PROCEDURAL SAFEGUARDS NEEDED FOR A FAIR TRIAL FOR THOSE ACCUSED OF CRIMES.

G10. Freedom's relationship to democracy is a close and obvious one; the organization of majorities, the competition in goals, and the ability to oppose which democracy presupposes, all depend on a high degree of personal freedom.

F. The Supreme Court cannot preserve civil liberties and civil rights by itself even though it is the final interpreter of the Constitution.

195. Discuss: The Bill of Rights and other constitutional rights are basically undemocratic because they restrict the rights of the majority of the American people, acting through their elected legislatures and officials.

IVA7a
VIIID
IXA1,2,B1,3
XA,B1,2

Discuss: How does the democratic ideology of Supreme Court Justices affect their decisions? Compare the general attitudes of people in this country, including judges, toward the value of the individual with that of authorities in Nazi Germany or of the authorities in the selection pupils read about "Trial by Secret Police."

196. Have pupils read selections related to the need for public support if the Supreme Court is to preserve liberties. Then have them discuss the question: Can the Supreme Court preserve Civil Liberties? How can the Court help America bring reality closer to the ideal? What help does it need if civil liberties are to be preserved?

"Selected Readings on the Judicial Process," #7
Frank, Marble Palace, pp. 34-41.

197. Have pupils write an essay reacting to the following statement: Civil Liberties are essential to a democratic form of government.

XA,B1,2

A. SUPPORTS FREEDOM OF THOUGHT AND EXPRESSION.

A. VALUES PROCEDURAL SAFEGUARDS NEEDED FOR A FAIR TRIAL FOR THOSE ACCUSED OF CRIMES.

G2. The separation of powers is built on an assumption of political functions which cannot easily be separated in reality.

VIII. Judicial decision-making is influenced by the internalized values and perceptions of judges who make the decisions.

C4a. Any decision is in part a product of the internalized values and the perceptions of the person making the decision.

S. Recognizes differences in difficulty of proving statements.

S. Draws inferences from tables.

S. Sets up hypotheses.

S. Applies previously-learned concepts and generalizations to new data.

A. Their attitudes and values are affected by their socio-economic background and their experiences.

198. A student might draw two cartoons. One could depict a judge as a robot or computer applying the law mechanically. The other could depict a judge as an interpreter and maker of law. IIA1,2

199. Discuss the importance of the role of the judge in our society. Suggest that students should find out more about what kinds of people become judges. They should check to see if what they have learned so far about attitudes of judges on decisions is born out by any statistical studies. IVA XIB1

200. Give pupils exercise #3 on distinguishing difficulty of proof of statements. Exercise #3 in Appendix.

201. Have pupils read the introduction to the paper on "Background and Attitudes of Judges" and then study and answer the questions on table 1. Ask: From what socio-economic class do most Supreme Court justices come? How might this fact influence their views toward socio-economic matters and civil liberties? How do the backgrounds of these justices compare with the backgrounds of senators (which you studied in the unit on legislative behavior)? Would you expect the justices to be more or less conservative than the senators? Why? Remind pupils that socio-economic background would be only one factor. What other factors might be important in influencing attitudes? IVA8

S. Applies previously-learned concepts and generalizations to new data.

G4a. Any decision is in part a product of the internalized values and the perceptions of the person making the decision.

G4a. Any decision is in part a product of the internalized values and the perceptions of the person making the decision.

B. Attitudes of judges affect decisions even though judges are not really free to decide cases in terms of their own attitudes and values.

1. Attitudes toward criminals and punishment affect sentencing behavior of judges.

S. Identifies assumptions.

G4a. Any decision is in part a product of the internalized values and the perceptions of the person making the decision.

202. Have pupils read the introduction to table 2 and then examine the table and answer the questions which follow it. Have them do the same thing for table 3. Also ask: What kinds of people go into politics? Are they more or less likely to have strong ideas about what the political system should be like than ordinary citizens? Review the meaning of ideology here. Also ask: Do you still agree with your former hypothesis about the relative degree of conservatism among senators and Supreme Court justices? Why or why not? What kinds of data would you need to test your hypothesis? Why would it be difficult to prove?	IVA7,8 XIC1,2	West, "The Background and Attitudes of Judges"
203. Now have them read the section on the comparison of views of American judges and English judges and of American judges and the American population as a whole. Does this data support or contradict their general view of the attitudes judges would be likely to hold? Does it either prove or disprove their hypothesis about judges and senators? Why or why not?	IVA1	West, "The Background and Attitudes of Judges"
204. Now point out that pupils are going to look at some data on sentences different judges hand out to those convicted of crimes. Have them look at the table on speeding cases in New York City and answer the questions which follow. Discuss: How do you account for the differences among judges?	IVA6	West, "The Background and Attitudes of Judges"
205. Have pupils examine the table on types of sentences granted by two judges for similar crimes. Discuss the questions which follow it. Also have pupils examine the table on sentences by types of crimes. Discuss the questions which follow it.	IVA6	West, "The Background and Attitudes of Judges"
206. Have pupils examine the table on handling intoxication cases. Discuss: Do you think judges' attitudes made any difference in their sentencing behavior? What are the attitudes of these judges toward the possibilities of reform or the effects of punishment upon criminals. What are their probable assumptions?	IVA6	"The Background and Attitudes of Judges"

2. Decisions tend to vary with attitudes toward liberalism-conservativism.

S. Interprets charts.

G4a. Any decision is in part a product of the internalized values and the perceptions of the person making the decision.

3. Decisions vary by attitudes toward the importance of civil liberties.

207. Point out that pupils have been examing judicial sentencing behavior. Now the class will look at voting decisions by judges on state supreme courts and of justices on the U.S. Supreme Court. IVA1,6,7b "The Background and Attitudes of Judges"

Have a good student read the material related to table 4. He should prepare four charts to illustrate the data in the table. On each chart he should draw a line down the center of the page to represent the average decision score of all judges on a court. To the left he should draw bars representing the percentage of conservative judges and liberal judges who had scores below the average decision scores of their court on this type of case. To the right of the line he should draw bars representing the percentage of conservative and liberal judges who had scores above the average decision score of their court. He should make a chart to show the data for each type of case, with an apporpriate heading for each chart.

e.g. Voting in Favor of Defense in Criminal Cases
Voting for the government administrative agency and against business in a regulation case
Voting for the injured party in a motor car accident (in which the other party was usually an insurance company)
Voting for the employee and against the business employer in injury cases

The student should study the questions below the table and be prepared to explain the meaning of his charts and their implications to the class at this time.

208. Have another pupil prepare a graph to show the data in table on voting records of justices on civil liberties cases. The vertical scale might be labeled: Percentage of Times Justice Supported Civil Liberties Claim. It should show percentages from 0 to 100 per cent. The horizontal scale might be labeled: Types of Civil Liberties Claims. It should be divided into segments by type of case. The student could use a different color to draw in a line representing the record of each justice. IVA1 "Background and Attitudes of Judges"

Have the pupil explain his chart to the class at this time. Then ask: How can you explain the differences among these justices?

S. Sets up hypotheses and then tests and refines them in terms of new data.

S. Draws inferences from tables.

G4a. Any decision is in part a product of the internalized values and the perceptions of the person making the decision.

G4a. Any decision is in part a product of the internalized values and the perceptions of the person making the decision.

4. Decisions of state judges tend to vary with the party of the decision-maker; their party choices reflect different political values and perceptions which are then reflected in their decisions.

209.	Have a committee investigate the present members of the U.S. Supreme Court. They might prepare a bulletin board display or a dittoed booklet. They should present certain kinds of information about each justice, such as: What is his socio-economic background? What position did he hold before being appointed to the Court? Who appointed him (including political party of President who appointed him)? What has been his general position on the Court (voting with the liberal or conservative blocs)? Or, what has been his position on recent key cases?	IVA	
210.	Ask: Do you think political party affiliation might affect judicial decisions? (Be sure to define "affiliation" if necessary.) Let pupils set up hypotheses. Then have them examine the table on differences between Republican and Democratic judges. Discuss the questions which follow it and have pupils reject, accept, or refine their hypotheses. What other data might they like to come to a less tentative conclusion?	IVA5	
211.	Discuss: On the basis of all of the data you have examined so far, do you think that the attitudes of judges make any difference in their decisions? Do you think that legal experience and reputation as a good lawyer should be the only criteria for selecting judges? Why or why not? Have pupils reexamine their earlier ideas about the selection of judges and the importance of such selection. If judges are elected in their state, they should consider the implications for voters.	IVA	
212.	A pupil might give a report on Our State Supreme Court. He should include information about the socio-economic background of members, the earlier occupation of members, the political affiliation of members, and the length of time each has served on the Court.	IVA	State Legislative Manual

G5. Political power is distributed unevenly through a population even in a democracy; the concept of political equality or one man--one vote ensures only a minimum opportunity for influence.

IX. Potentially, the Chief Justice can wield influence over other members of the Court, but he does not always use these powers to achieve a productive and united Court.

S. Applies previously-learned concepts and generalizations to new data.

G15. The leadership of any group must try to maintain group cohesion and harmony and also must organize its strategies or provide intellectual leadership.

A. The leadership of any group must try to maintain group cohesion and harmony and must also organize its strategies to provide intellectual leadership.

G15. The leadership of any group must try to maintain group cohesion and harmony and also must organize its strategies or provide intellectual leadership.

G4c. The institutions of government constitute the arenas or structure within which the authoritative decisions of the political process are made; they affect these decisions by limiting or granting access to decision-makers, setting the procedures of decision-making, setting the powers of decision-makers, informally distributing power among decision-makers, and setting the norms to be followed by decision-makers.

1. Not all Chief Justices have assumed both or even one of these tasks.

2. If the Chief Justice fails to assume one of the tasks and no one else comes forward to do so, the Court becomes less productive, it has many more dissents, and its reputation declines.

B. Court rules about conferences, voting at conferences, and assignment of cases give the Chief Justice potential power.

213. Point out that since the Supreme Court is the highest court, it is important to examine the court in more detail in order to answer the following questions: How is power distributed in the Court? What are the problems involved in handling the case load? Who is the present Chif Justice? Does it matter much who the Chief Justice is? (Let pupils set up hypotheses about the first and third questions.)	VA	
214. Discuss the problems of leadership in any group. Use examples from class organizations, committees, clubs, what pupils have learned in the seventh grade about leadership tasks in small groups and what they learned in earlier eighth grade units on problems facing leaders in political parties or the legislature. What tasks does any leader face? What does this mean for the Supreme Court? Does the elected leader always assume these tasks? What happens if no one assumes their tasks?	XVA,B,C	
215. Have a student give an oral report on "The Power of the Chief Justice". What are the leadership tasks on the court? What happens if the Chief Justice does not assume them? What happens if nobody assumes one of them? What are the sources of the Chief Justice's power? How have different justices used these sources of power?	IVB1a,b, E4a,b VC2 XIVC1,2 XVA,B,C	"Selected Readings on the Judicial Process," #8. The teacher may also wish to consult Schubert, Judicial Behavior, pp. 395-414.

G4c. The institutions of government constitute the arenas or structure within which the authoritative decisions of the political process are made; they affect those decisions by limiting or granting access to decision-makers, setting the procedures of decision-making, setting the powers of decision-makers, informally distributing power among decision-makers, and setting the norms to be followed by decision-makers.

S. Uses READER'S GUIDE to locate information.

S. Uses CURRENT BIOGRAPHY.

G13. The political system includes a number of major components, each of which affects the other components.

G7. Taking the policy-making process as a whole, the general strategic advantages lie with the status quo.

G3. The role of the Judiciary depends on the system of law and the nature of the Constitution which it expounds.

X. Although the Supreme Court is the final interpreter of the Constitution and federal law, it is possible for the other branches of the federal government or for state legislatures and officials and judges to get around its decisions.

A. The Constitution may be amended.

B. Legislative acts may be changed to make them meet Court requirements, or to force objectors to start litigation all over again.

C. The Court may reverse itself, perhaps under outside pressure or because of change in membership.

D. Congress may take away the Court's right to review certain kinds of cases or change its membership.

E. Lower courts and officials may not effectuate its decisions.

216.	A pupil might prepare a chart showing the sources of the Chief Justice's power.	IVB1a,b, E4a,b	
217.	Have a report on the present Chief Justice of the United States. Or have all pupils locate and read articles about him.		Current Biography Also use Reader's Guide to locate articles.
218.	Have a student give an oral report on "Getting Around Supreme Court Decisions". Perhaps one pupil might prepare a chart showing ways of getting around the decisions. Discuss: Does this mean that the Supreme Court does not have the final power to decide the constitutionality of acts? What does this data indicate about the ease of changing the status quo?	IIIB,C2a,b VIIA2a,C2 XIIIA3,4, B2a	"Selected Readings on the Judicial Process" #'s 9-10

G13. The political system includes a number of major components, each of which affects the other components.

G9. The contrast between democratic and non-democratic political systems may be looked at as a conflict in basic underlying values.

G1a. In political conflict there is a struggle over scarce values or goals.

G13. The political system consists of a number of major components, each of which affects the other components.

G4. Decision-making is influenced by the decision-maker's internalized values, attitudes, and perceptions; by other decision-makers in government; by interest groups and general public opinion; and by the institutions or structure within which decisions are made.

219.	Tell the class briefly about the provisions of the Jenner bill which was introduced in the 85th Congress to limit appelate jurisdiction of the Supreme Court. Ask: What affects would such a bill have if passed? What do you think the arguments were for and against it?	IVE3b XIIIA3 XIVD5	See Congressional Digest, May, 1958, p. 141ff.
220.	A pupil might draw two cartoons, one picturing the Supreme Court as democratic and one picturing it as undemocratic.	IXA,B	
221.	Give the class the 1966 poll results on attitudes toward the Supreme Court and specific decisions. Discuss the implications of these attitudes.	IA	See Appendix #5
222.	Have a committee stage a mock hearing before a Senate Judiciary Sub-Committee on a bill to take away the right of the Supreme Court to hear certain kinds of cases.	IIIC2b,B2b,3 IVE3b;XC2d XIIIA3 XIVD5	
223.	A pupil might give a report on the way in which California trys to get around the problem of judges who are no longer well enough to do their job. Discuss the pros and cons of this system.	IV	"Judges: Remedy for Unfitness," Time, Mch 26,1965, p. 63.
224.	A pupil might prepare a series of cartoons depicting different attitudes toward life tenure of federal judges.	IVE	

G4c. The institutions of government constitute the arenas or the structure within which authortative decisions of the political process are made; they thus affect those decisions.

XI. A number of proposals, other than modifying the Supreme Court's authority or size or judge selection, have been made to try to achieve both better protection of individual rights and greater protection for society.

A. Some people have proposed and even tried abolishing the justice of peace courts which try so many minor cases.

225. Tell pupils that some congressmen have proposed that no one be appointed to the Supreme Court unless he has had previous judicial experience. Why might such a proposal be made? Now quote Dahl to the effect that if Supreme Court Justices were to be appointed largely because of judicial experience

"without regard to their basic attitudes on fundamental questions of public policy, the Court could not play the influential role in the American political system that it does in reality play." (from Robert A. Dahl, "Decision-Making in a Democracy: The Supreme Court as a National Policy-Maker," in the Journal of Public Law, vol. 6, 1957.) Now tell pupils that they are going to listen to a roundtable discussion on this issue. They should try to decide with which position they agree. Have a group of students present arguments. Also discuss: Why is there this difference of opinion? Is it because of differences in values or differences in analysis of what would happen under each kind of judicial appointment?

IV

"Selected Readings on the Judicial Process," #'s 11-13.

226. Point out that a number of proposals have been made to modify our judicial system other than modifying the Supreme Court. The class will now look at some of these proposals. Ask: Why might change in the structure of government affect judicial decisions?

IVE

227. A pupil might write the imaginary report of an investigator sent out by a governor to find out the following: (a) how well the justice of the peace system is working, or (b) how the Pennsylvania system of lawyers arbitrating civil cases is working.

IVE2j

Morlan, ed. Capitol, Court-House, and City Hall, pp. 144-146. Friggs, "Here's Hope for Speedier Justice," Reader's Digest, April, 1960, pp. 197-200,202.

A. HAS A REASONED LOYALTY TO THE U.S. AND DESIRES TO MAKE IT AN EVER-BETTER PLACE IN WHICH TO LIVE.

A. VALUES OBJECTIVITY AND DESIRES TO KEEP HIS VALUES FROM AFFECTING HIS INTERPRETATION OF EVIDENCE, ALTHOUGH RECOGNIZING THE IMPORTANT ROLE OF VALUES IN THE PROCESS OF MAKING DECISIONS ABOUT PROBLEMS WHICH DEMAND ACTION.

A. IS COMMITTED TO THE FREE EXAMINATION OF SOCIAL ATTITUDES AND DATA. SEARCHES ACTIVELY FOR DIFFERENT POINTS OF VIEW AND INTERPRETATIONS. VALUES INDEPENDENT THOUGHT.

S. Communicates effectively through round-table discussions. Keeps to the point, helps move the discussion along, follows an organization, summarizes.

A. HAS A REASONED LOYALTY TO THE U.S. AND DESIRES TO MAKE IT AN EVER-BETTER PLACE IN WHICH TO LIVE.

A. RESPECTS EVIDENCE EVEN WHEN IT CONTRADICTS PRECONCEPTIONS.

A. IS SCEPTICAL OF "CONVENTIONAL TRUTHS" AND DEMANDS THAT WIDELY-HELD NOTIONS BE JUDGED IN ACCORDANCE WITH STANDARDS OF EMPIRICAL VALIDATION.

A. IS COMMITTED TO THE FREE EXAMINATION OF SOCIAL ATTITUDES AND DATA. SEARCHES ACTIVELY FOR DIFFERENT POINTS OF VIEW AND INTERPRETATIONS. VALUES INDEPENDENT THOUGHT.

G4c. The institutions of government constitute the arenas or the structure

B. Some people have suggested abolishing jury trials for civil cases and perhaps even in all but the most serious criminal cases.

1. Some have tried substituting bench trials for jury trials in certain types of cases.

228.	Have a round-table discussion: Should Justice of the Peace Courts be abolished in favor of some other type of court?	IVE2j	Also use Reader's Guide to locate other material. Also see above for procedure 227
229.	Have a round-table discussion on "Our Jury System: Should It Be Changed?"	IVE XIVD2	Morlan, ed., Capitol, Courthouse, and City Hall, 146-160. Gardner, "In Defense of Juries," Am. Mercury, Feb., 1958, pp. 125-128.

within which authoritative decisions of the political process are made; they thus affect those decisions.

A. IS COMMITTED TO THE FREE EXAMINATION OF SOCIAL ATTITUDES AND DATA. SEARCHES ACTIVELY FOR DIFFERENT POINTS OF VIEW AND INTERPRETATIONS. VALUES INDEPENDENT THOUGHT.

2. Some have substituted lawyer arbitration for civil cases.

C. Some have suggested and tried establishing public defender systems; one place has given the public defender a public detective.

230.	Have pupils read the two selections on jury decisions and the degree to which juries and judges agree. Also put on chalkboard the figures from a New York study on the length of jury and bench trials in personal injury cases. Discuss: Does any of this data support or contradict any of the ideas presented in the roundtable discussion? Does any of the data throw any new light on issues related to our jury system?	IVE	"Selected Readings on the Judicial Process," #'s 14-15. See appendix for figures.
231.	A pupil might draw two cartoons showing pro and con attitudes toward our jury system.	IVE	
232.	A pupil might check to find out how many civil cases were filed last year in the local area, how many were settled out of court, how many were settled in court, how big the backlog was at the beginning of last year, how big the backlog was at the end of the year, and how many cases are now pending. Also he should find out the average length of time between filing and hearing of cases. He should make a graph to show his findings.	IVE	
233.	If the roundtable discussion in activity #228 did not include a discussion of the Pennsylvania system, have an oral report on this system. Then hold a class discussion on its pros and cons.	IVE	
234.	Have a roundtable discussion on: Should every state set up a system of public defenders? The participants should describe the arguments for and against such a system as opposed to other systems	IVE2	For example, see "Justice for the Poor," Reader's

G14. An institution is an interrelated cluster of roles and the attached meanings and values; changes in these roles and their relationships bring changes in the institution.

S. Uses verbal and non-verbal cues to identify main ideas of organized speeches.

G11. Democracy is a complicated consent and consensus system in which consent may move from government to citizen as well as from citizen to government.

	of appointing lawyers to defend poor people. They should describe how the system works.		Digest, April, 1965, pp. 126-130.
235.	Have a pupil report on an article on the use of a public detective to help defendants. Discuss: Is such help necessary to a "fair" trial? Is there any possibility that this right will become an accepted part of the idea of right to counsel in the future?	IVE2 IXA2	Monroe, "The World's First Public Detective," Reader's Digest, Sept., 1957, pp. 115-118.
236.	Discuss: How would the widescale adoption of public defenders including public detectives to aid defendants affect the structure of our judicial system?	XIVD3	
237.	Discuss: Why do we call our judicial system an institution? Analyze it in terms of the definition of an institution. Discuss ways in which institutions change through a change in roles. Has this happened to the judicial system? If so, how?	XIVA,B1,2, 3,4,C1,2, D1,4	

Culminating Activities

238.	Have a lawyer or judge speak to the class. Send him the list of questions which the class has collected ahead of time. Review beforehand the use of verbal and non-verbal clues to identifying main ideas in organized speeches.	IVE5b,c	
239.	Tell pupils about or paraphrase Lerner's article on the Court as an image. Discuss the way in which people react to the judicial system as a set of images. How do lawyers and judges help create this image? (Remind pupils of word association test they took at beginning of unit.)	XLB1,2	Reprinted in Murphy and Pritchett, eds., Courts, Judges and Politics, pp. 184-191.

G8. Constitutions may contain negative prohibitions as well as grants of power and statements of relationships; that is, they may in democracies prevent majority action on some subjects or at least slow such action down.

G4c. The institutions of government constitute the arenas or structure within which the authoritative decisions of the political process are made; they affect those decisions by limiting or granting access to decision-makers, setting the procedures of decision-making, setting the powers of decision-makers, informally distributing power among decision-makers, and setting the norms to be followed by decision-makers.

G4. Decision-making is influenced by the decision-maker's internalized values, attitudes, and perceptions; by other decision-makers in government; by interest groups and general public

240. Play a review game, You Be the Judge. Give pupils sets of cards. On the front of a card there should be an imaginary case involving civil liberties--or a real one not discussed thus far. On the back of the card should be the decision which would be in line with current rulings of the Supreme Court--or the actual ruling. Divide the class up into groups, with a referee for each group. The referee should draw a card from the pack which will be placed in front of him. He should read off the details of the case, and call on the player to his right for a decision. If the player gets the decision correct, he gets the card. If not, the next player gets a chance, and so on around the group. The next case is referred first to the second player from the referee's right, and so on. The object is to win the largest number of cards. VIIID

Or instead, pupils could be given a dittoed list of the cases and asked to make their decisions. Each case could then be discussed by the class. Pupils should be told to decide the cases in terms of precedents.

241. Go back over the lists which pupils have been keeping. Discuss them in the light of the unit as a whole. IVE2g,h,i

242. Have pupils write a paper on the following statement: "Judges apply the laws; they do not make them," or "Our government is one of laws, not of men." IV;XII

opinion; and by the structure within which decisions are made.

G12. Constitutions change by formal amendments and by changes in custom and interpretation.

S. Reads material dealing with legal terms with comprehension.

G4. Decision-making is influenced by the decision-maker's internalized values, attitudes, and perceptions; by other decision-makers in government; and by interest groups and general public opinion; by the structure within which decisions are made.

A. FEELS A SENSE OF RESPONSIBILITY FOR KEEPING INFORMED ABOUT CURRENT PROBLEMS.

243. Give pupils the pretest which they took at the beginning of the unit on legal terms. Compare pre and post tests.

244. Give pupils the attitudes scale which they took at the beginning of the unit. Compare results and discuss reasons for any differences which now appear.

245. Hold a summarizing discussion on influences upon judicial decision-making. IV

246. Ask each pupil to list, in sentence form, the ten most important ideas which he has learned from this unit. Compare the lists.

247. Give pupils a unit test and discuss the results.

248. Obtain volunteers for a follow-up committee to keep the class informed about new developments related to the unit (Supreme Court decisions, court decisions on civil rights, state supreme court decisions, election or appointment of judges, etc.)

A. HAS A SENSE OF RESPONSIBILITY FOR TAKING INFORMED ACTION ABOUT PROBLEMS CONFRONTING THE NATION.

249. Pupils might put on a Law Day Assembly for the rest of the school. Or they might prepare an assembly program on the Bill of Rights.

250. Pupils might prepare a hall display on the Bill of Rights or on our court system.

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Appendix No. 1

Exercise No. 1--Distinguish Between Facts, Inferences, and Value Judgments

Look at the sentences below. Place an F in front of each statement which is a statement of fact. Place an I in front of each statement which is based on inference from facts. Place a V in front of any statement which is based on a value judgment.

___1. The Supreme Court of the United States has more power than a federal district court.

___2. The Supreme Court of the United States is the last court of appeals in this country.

___3. There are 91 federal district courts in this country.

___4. Judges' attitudes influence the sentences which they give to convicted criminals.

___5. The government should provide a lawyer free of charge to any defendant who is too poor to hire one.

___6. American attitudes toward what is necessary to a fair trial have changed from 1800 to the present day.

___7. The Constitution guarantees the right to a jury trial in any criminal case in federal courts.

___8. The Supreme Court's right to declare acts of Congress unconstitutional should be taken away.

___9. A congressman has proposed taking away the right of the Supreme Court to deal with appeals from state court decisions in civil rights cases.

___10. A person should not be forced to take the stand and testify when he is on trial for a crime.

Appendix No. 2

Exercise No. 2--Identifying Assumptions

Look at each set of exercises below. The first statement in each set recommends a certain course of action. Following each recommendation there are three possible reasons for this course of action. Place a cross (X) before the reason which you think the person must be assuming (taking for granted) in order to come to the conclusion in his recommendation.

Set 1--A lawyer is necessary to a fair trial.

___1. A defendant is not likely to be so bright as the prosecuting attorney.
___2. The judge will be likely to slant his rulings against the criminal in order to protect society, unless a lawyer is there to challenge these rulings.
___3. A defendant does not know the many legal rules about admission of evidence and lacks skill in cross-examination.

Set 2--A few blows or even a real beating should be permitted police who are questioning a suspect with a long criminal record.

___1. Criminals have not treated other people like human beings and do not deserve to be treated like human beings themselves.
___2. It is more important that society be protected against crime than that an individual should be treated humanely.
___3. Criminals are so toughened by their life of crime and previous terms in prison that they will not admit to crimes unless force is used against them.

Appendix No. 3

Difficulty of Proving Statements

In each of the following sets, place a cross (X) in front of the statement which would be most difficult to prove true or false. Place a check mark (✓) in front of the statement which would be easiest to prove true or false.

Set A

___1. Gideon would have lost his case before the Supreme Court if Frankfurter had not resigned from the Court.
___2. Fortas tried to build his legal arguments in terms of what he knew about the opinions of the members of the Supreme Court.
___3. Gideon asked the judge in the first Florida trial to provide him with a defense lawyer.

Set B

___1. The socio-economic backgrounds of judges' fathers affect the judges' attitudes.
___2. Judges on the same court do not always agree about what a constitutional provision means.
___3. Senators are less conservative than Supreme Court Justices.

Set C

___1. The Supreme Court has been attacked because of some of its decisions about when an accused person has a right to a lawyer.
___2. Judicial experience prior to appointment to the Supreme Court makes a man a better Supreme Court Justice.
___3. Judicial decisions are affected by the attitudes of judges.

Appendix No. 4

Number of Court Cases in 1956

State trial courts--not known but probably over one million
Federal trial courts--160,000 cases begun

State high courts--unknown but probably between 10,000 and 20,000
Federal Appeals Courts--3,588
U.S. Supreme Court--900 applications; 94 written opinions.

As reported and estimated by John P. Frank, Marble Palace, The Supreme Court in American Life, (New York: Knopf, 1958) p. 16.

Appendix No. 5

The Harris Survey on Attitudes Toward
The Supreme Court (1966)

The Harris survey was based upon a sample designed to represent a cross-section of adults in the United States. The members of the sample were asked the following question: "How would you rate the job the U.S. Supreme Court has been doing--excellent, pretty good, only fair or poor?" The results are summarized below:

	Per cent answering Good or Excellent	Per cent answering Poor or Only Fair
Nationwide	48	52
In the South	35	65
Those over 50	42	58
Those under 35	58	42
Those with education of 8th grade or less	44	56
Those with college education	53	47

Each person in the sample was also asked whether he approved or disapproved of a series of Supreme Court decisions. Findings are summarized below:

Decision	Approving Decision
1. Requiring reapportionment on the basis of one man--one vote	76%
2. Requiring desegregation of schools	64%
3. Requiring desegregation in public accommodations	64%
4. Allowing American communists to get passports to travel abroad	49%
5. Insisting that confessions not be admitted in trials unless person had chance to consult with lawyer before confession	35%
6. Outlawing prayers in school classrooms	30%

Appendix No. 6

Jury and Bench Trials

Hans Zeisbel, Harry Kalven, Jr. and Bernard Buchholz made a study of the average length of personal injury trials in New York City. They used only those trials which were completed. The study covered a period of ten months and was based upon 148 jury trials and 75 bench trials. The jury trials averaged 17.4 hours. The trials by judges without a jury averaged 8.9 hours.

(For more details, see Zeisbel, Kalven, and Bucholz, Delay in Court, Boston: Little, Brown, and Company, 1959, p. 73.)

THE AMERICAN JUDICIAL PROCESS

Frank J. Sorauf

The study of the American judicial process by political scientists is of recent vintage. It is only recently that they have begun to treat the courts as agencies of political decision-making, as institutions which participate in the business of governing. But to make that transition political scientists have had to abandon--as legal scholars and juries have--old myths about courts and judges as "finders of the law" who only announce, like the Delphic Oracle, an eternal, immutable truth which they do not and cannot make.

This basic shift in approach to the courts is one now widely accepted by scholars and judges alike. The public, however, has not made the shift, and therein lies a major problem. A scholarly approach to the judicial process requires a reorientation of many students' attitudes, therefore; but while realism is called for, cynicism is not. Students must realize that judges, especially as they interpret vague and general constitutional provisions, can make choices between reasonable alternative interpretations. They must realize that in the American tradition judges interpret constitutions and statutes in the spirit of the times and in the context of a changing society and an advancing technology. They must realize that judges' perceptions of reality and their personal values may be influenced by their own backgrounds and experiences and that two equally dedicated, rational judges may interpret a statute differently. And yet the "new realism" must not be carried to the extreme of conspiratorial theories or to a denial of the dedication, good will, and ethics of the American jurists. Often in such matters the line between a hard-headed realism and a moralizing cynicism is a fine and elusive one.

A second major problem faces the development of curricular materials on the American judiciary. The basic institutional structures of the American courts are more complicated, more bound up with legal jargon, than those of the other two branches, and the average American knows far less of them. Consequently, students have far less general background on the courts than they do on the other institutions of government, and what they do have is often a highly romanticized or limited "Perry Mason" view. Hence, the need will be great for some material on the institutional structure of the courts.

Just briefly, I would set down the following outline of some bare informational necessities:

1) The nature of the judicial forum. The student must realize that issues are presented to courts in the form of cases with adversary parties, that courts are not roving Robin Hoods ferretting out injustice, and that even the resolution of great constitutional issues often awaits for years a case which raises the issue.

2) The federal division of judicial responsibility. It must be clear that state courts decide cases arising under laws of the state and that federal courts decide cases arising under U.S. laws, treaties, rules and orders, and constitution. Since, therefore, civil relationships (deeds, wills, contracts, etc.) are defined by state law,

as is American criminal law, these matters arise in cases under state courts.

3) The differences between trial and appellate courts. Trial courts hear cases for the first time and have the jury and evidence-taking procedures for determing facts. Appellate courts concern themselves only with questions of law and do not, therefore, need the jury and witnesses. They depend solely on written and oral arguments and the records of the trial court.

4) The state court systems. Despite their diversity, the state court systems tend to fall into the single pattern of a minor judiciary (often not "learned in the law"--the justices of the peace, magistrates, etc.), a set of trial courts of record, an intermediate set of appellate courts, and one high state appellate court. (In some states the high appellate court is the only one in the state.) It should also be pointed out that in many states the judicial system is not integrated; that is, there is little central control of the procedures and calendars of individual courts.

5) The federal court system. Here there is an integrated, three-level hierarchy of courts: the district courts (entirely trial courts), the Courts of Appeal, and the Supreme Court. With the exception of the diversity jurisdiction, all of the federal courts hear cases arising under federal law and constitution. Even those cases appealed from state courts to the Supreme Court must raise some question under the constitution or laws of the United States Government. One more point about jurisdiction, among many complicated ones, should be made clear: this is the power of the Supreme Court, through its writ of certiorari, to take or not to take cases brought to it. Over its appellate jurisdiction, in other words, the Supreme Court has a very substantial option; in fact, it may in any one session grant certiorari in no more than ten percent of the cases in which it is sought.

With these lengthy suggestions about structural data out of the way, we turn now to six topic areas that might be used as foci for curricular planning on the general topic of the American judicial process.

I. The Selection of Judges

In the backwashes of Jacksonian democracy a number of American states decided to elect their judges. The rationales and the criticisms of that practice afford a fine occasion for examination both of democracy and the nature of the judging function. But related to the issue of the desirability of the practice is the question of the consequences, a question complicated by the many different practices and results in the states. In some non-partisan elections to the judiciary, the state bar association, through its approval or recommending procedures, may exercise enormous control over the selection of judges. In other states where partisan elections prevail, judgeships may go as a dignified form of patronage to lawyers who have served the party well; their loyalty to the party may indeed survive the transition to the bench. In other cases, election may be modified by practice. In states where the judicial terms are long and where judges are old, death, or poor health more often than not removes them from the bench in the middle of a term; the governor then appoints a successor

who must run at the next election. But the choice of the judge then is basically an appointive one, in view of the advantage an incumbent of even short duration has at the following election.

The appointive judiciary varies, too, but the federal judiciary offers the best illustration. In the lower federal judiciary Presidents have little direct control over the selection of the men they appoint. In view of Senatorial courtesy, the President must listen to the preferences of Senators, and he has also to consider the wishes of party leaders to reward loyal partisans. At the level of the Supreme Court Presidential choice is more direct. He may be guided by any number of criteria: background in the party of the President (over the last 90 years Presidents have made about 90 percent of their judicial appointments from their own party), acceptance of the same general ideological values as those of the President, residence in some region underrepresented on the Court, membership in an underrepresented ethnic or religious group, or prior judicial experience. That last criterion, much promoted by the American Bar Association, is one which many Presidents have ignored. Indeed, some of the most distinguished justices of the Court (Marshall, Miller, Hughes, Brandeis, Frankfurter, for example) have had none. Again this debate over the value and necessity of prior judicial experience affords a fine occasion for discussing the skills and role of the Supreme Court.

In any event, any discussion of the selection of American judges should be related to the broader, meaningful questions: Who are the judges selected? Do different selection systems produce different types and quality of judges? Do they produce men of different approaches to the business of judging? Especially if one grants that the backgrounds and experience of judges condition their approaches to the law and to social reality, then systems which produce men of different backgrounds may be at the bottom of crucial influences in the judicial process.

II. Organizing and Bringing Litigation

Storks do not bring court cases, any more than they bring babies. In the case of trial courts the local prosecuting attorney brings a complaint or, if his state requires it, brings charges to the indicting grand jury. But enforcement decisions are his; he may decide not to bring charges also. In any community one may see obvious enforcement--no-enforcement decisions being made; in some cases gambling houses may operate openly without fear of prosecution, and in others it may be violations of the housing code that are rarely brought to court. Nationally, it is clear that the Justice Department has worked out a selective and integrated strategy for enforcing statutes dealing with Communist party groups and Communist-front organizations and with monopoly and restraint of trade. These decisions on selective enforcement may reflect basic policy disagreements with statutes, unenforceable statutes, informal attempts to win compliance, or even in a few cases, corruption in the administration of justice.

Where the issues are basic ones of constitutional interpretation and public policy, the initiation of litigation may increasingly be in the hands of broadly based interest groups. The NAACP's control of the Court battles on behalf of Negro rights in the last two generations is perhaps the most widely-known ex-

ample. Trade union federations and trade and employers' associations play an increasing role in litigation over labor-management litigation. To cite another example, the American Civil Liberties Union has participated in hundreds of cases in appellate courts which raised issues of substantive and procedural rights of individuals. Their interest is in the favorable and systematic development of some body of law, and to that end they either bring their own test case or they participate in cases under way as supporters of one of the parties, as intervenors, or as amici curiae. To their role they bring enormous advantages which the individual litigant cannot: legal expertise, money (it may cost as much as $20,000 to settle a constitutional issue through the American courts), organization support for the unpopular cause, and a continuing, long-run interest in the issue.

III. The Trial Court

This is the aspect of the judicial process most familiar to Americans and least familiar to political scientists; it is a subject which in a practical division of labor they leave to legal scholars. If a teacher can get student attention away from murder trials, he might consider the whole range of topics that involve the administration of local, trial court justice: crowded calendars, expenses, informal settlement procedures, pre-trial conferences to narrow the range and shorten the length of trials, and the development of trial specialties (traffic courts, domestic relations courts, juvenile courts, for example).

Related to these problems, but even more basic, are those which raise the very fundamental questions about the equity and justice meted out in trial courts in the United States. They touch, first of all, the competence of the jury, its ability, its prejudices, its manipulability--not only in murder, assault, rape, robbery cases, but in negligence cases and suits for damages. Additionally, critics have reexamined recently the evidence-gathering machinery of the trial court--the use of expert testimony, the reliability of witnesses, the conduct of attorneys in cross-examination, passionate and inflammatory speeches of summation. Even critics of the stature of Judge Jerome Frank have lent distinction to what is really a reexamination of the very basic assumptions of our trial court justice. Some states have tried to innovate in ways which meet the most pressing criticisms. New York, for instance, authorizes a "blue ribbon" jury panel of jurors with special qualifications for certain kinds of cases, but that innovation, despite its faultless motivation, raises questions of whether such a jury is, indeed, a cross-section of the community.

Much of the structure and nature of the trial court's operations is, of course, controlled by sections in constitutions of the states and the United States dealing with the rights of defendants. In the case of the U.S. Constitution it includes guarantees against the unreasonable search and seizure of evidence, forced confessions, and compelled self-incrimination; it assures at the same time a fair, speedy, public trial, a lawyer, a jury chosen without discrimination. For the Supreme Court to render decisions is one thing, but it is quite another to supervise the procedures in thousands of police stations and trial courts all over the country. Yet, despite spotty compliance, the Supreme Court does govern trial court procedure on behalf

of the Constitution; only recently it ruled that the Constitution required the states to provide counsel to indigent defendants in all criminal trials. Although most states were already doing exactly that, a minority of states which were not have had to comply or face the fact of wholesale reversal of convictions obtained in violation of the Constitution.

IV. Judicial Decision-Making

This topic brings us to an active research interest of contemporary political science and to one which has been controversial; because it aims to shatter the Delphic myths of judicial neutrality, it has been criticized by both scholars and judges. Actually it includes a multitude of approaches, some more acceptable even to legal opinion than others. But whatever their differences, they assume that judges do participate at times in the formulation of public policy and that to the extent that their decisions are theirs as men, they reflect their values and attitudes, or their perception of public opinion and public problems.

In its most modest form an approach to the decision-making of judicial bodies studies the events and processes--the mechanics--of decision-making. Within the United States Supreme Court the outlines of the process include the submission of printed briefs, oral argument before the justices with opportunity for the justices' questions, discussion of and voting on the case in private conference, and then the writing of the opinions. In this work the justices have the help of counsel, of the legal literature, of their clerks, and of other members of the court, especially the Chief Justice. They work, too, in a series of contexts: the context of their own crowded schedule and burdensome work load, the context of the implications of a decision for the court as an institution, in the context of their own views of the judging function and the role of the court, and in the context of general public problems and public reaction.

More systematic approaches have attempted to see why judges decide as they do. Some pioneering studies in trial courts have shown that the severity of sentences for the same crime may vary with the socio-economic status of the defendant or even of the judge. At the appellate court level striking relationships are apparent in specific decisions. For instance, the Supreme Court of 1895 divided precisely along per capita income data for their home states in declaring the income tax of 1890 unconstitutional. The justices from the five wealthiest states voted against the tax and those from the four poorest were for it. Other studies indicate that in certain types of cases the decisions of judges do vary with social characteristics such as ethnic origin, religion, and even party affiliation. Scale analysis also has opened up the identification of guiding attitudinal systems behind a judge's decisions, and bloc analysis can more precisely pick out blocs and groupings within a court on a number of issues. (See Part I of Glendon Schubert's Constitutional Politics for description of newer approaches to the study of judicial behavior.)

V. Impact and Compliance

The entire ten-year struggle in the American South over the enforcement of the 1954 desegregation decision of the Supreme Court demonstrates the difficulties the Court may have in securing acceptance of

its decisions. Without enforcement machinery of its own, the Court and other American courts are completely dependent on the voluntary compliance of citizens or the enforcement actions of legislatures and/or executives. Nor is the problem of compliance limited to matters of race relations; in the last generation we have seen local communities ignore Supreme Court decisions on defendants' rights, on censorship of books and movies, and on religion in public schools. At the causal level these facts raise the question of the conditions necessary for compliance. That question in turn suggests the entire issue of the ability of law of any kind to alter social behavior. Recent and surprising compliance with the Civil Rights Act of 1964 suggests that its power to do so is greater than many men and myths would give it credit for.

Court opinions and decisions have other aftermaths, too. They affect the activities of legislatures and executives. How, indeed, does Congress respond to a decision of the Supreme Court unpopular in the country? They have impacts on lower courts which must apply the decision. In the case of the desegregation decision; for example, the entire unpleasant enforcement of the decision was left to local federal district courts--with drastic consequences for many isolated federal judges. Or they may alter the plans and strategies of interest groups or of parties. Much of the history of litigation in the area of race relations has recently been a series of interactions between courts and the responding NAACP.

VI. The Supreme Court and the American Constitution

Ultimately one comes to the question of the role a judiciary plays in the entire political system--in the case of the Supreme Court, its role vis a vis the other two branches, the states, and the Constitution itself. The functions of the Supreme Court in the American system are primarily determined by its relationship to the Constitution. From its political role as the interpreter of and the spokesman for it flows the power of judicial review, that power to declare the acts of its co-ordinate branches unconstitutional. Similarly that relationship to a Constitution based on national supremacy leads to the power to review the constitutionality of actions of the states and decisions of state courts. The American constitutional tradition is one of flexibility, adaptability, and change, and the Supreme Court has been the bearer of the tradition.

The issue of the position of the Court may also be looked at more realistically and immediately. Despite its constitutional guarantee of independence, the Court is weak in the face of political opposition. It can decide only adversary cases and only those brought to it. It has no real enforcement power. Furthermore, Congress can add new members, alter its jurisdiction, refuse its administrative and budgetary requests, and refuse assistance in enforcing its decrees. The President and the states can attack its prestige and refuse enforcement aid. Ultimately the Court's power rests in its prestige and on public acceptance of its decisions.

Even within the Court itself there is sharp disagreement on the proper role of the Court in the American system. The shock of realizing the Court's power and the nature of its choices, plus an awareness of its weaknesses, has produced doubts among some of the justices. The Court is divided today

between the activists, who would grasp the Court's powers and use them boldly for desirable social ends, and the advocates of self-restraint, who would go slowly, hold to precedent and tradition, and defer to the elected policy-making branches. That dividion, in fact, goes further in explaining divisions on the Court today than any of the over-simple liberal-conservative dichotomies.

Bibliography

As an introduction to the study of the judicial process Jack Peltason's Federal Courts in the Political Process (Random House, 1955) is unquestionably the best brief work. It is lucid and "mildly behavioral." Henry Abraham's Judicial Process (Oxford U. Press, 1932) presents a more traditional approach, although it has the advantage of considerable comparisons with Britain and France. The first 171 pages of Glendon Schubert's Constitutional Politics (Holt, 1960) contain a fine summary of the scholarly approaches to the study of the judicial process now current within political science; written by one of the pioneers and leaders in the field, it is authoritative. A little less comprehensive, but valuable nonetheless, is the excellent little book, The Supreme Court (Holt, Rinehart, Winston, 1960) by John Schmidhauser.

To support and supplement these basic works, there are two valuable books of readings on the judicial process, both written for use in college courses: Robert Scigliano, The Courts (Little, Brown, 1962) and Walter Murphy and C. Herman Pritchett, Courts, Judges, and Politics (Random House, 1961). Both have the advantage of bringing together important periodical articles on the subject; the scope and coverage of the Scigliano is perhaps the better. As another form of supplement, two more books are relevant. Robert McCloskey's The American Supreme Court (U. of Chicago Press, 1960) is a good, short history of the Supreme Court. And for a good one volume work on the development of American constitutional law, see Carl B. Swisher, American Constitutional Development (Houghton Mifflin, 1954).

Some of the case study materials on the judicial process which have recently been published will afford excellent background, as well as likely illustrative and curricular materials. Anthony Lewis in Gideon's Trumpet (Harcourt Brace, 1964) offers a well-written and reliable retelling of how one historic case came to the Supreme Court and how it was heard and decided there. Another excellent journalist, James E. Clayton, has provided a coherent account of the 1962-63 term of the Court, picturing the duties and activities of the Court over a full session; his book is entitled The Making of Justice (Dutton, 1964). Seven lawyers and scholars have also contributed shorter case studies in the judicial process to a single volume, Third Branch of Government (Harcourt Brace, 1963), edited by Alan Westin and C. Herman Pritchett. One of the first full-length studies and and still an excellent work is Clement Vose's Caucasians Only (U. of California Press, 1959).

Three more specialized studies also deserve mention, both for their approach and their content. Glendon Schubert's Judicial Decision-Making (Free Press, 1963) exemplifies the newer approach to the study of judicial behavior. On

the other hand, C. Herman Pritchett's The Roosevelt Court (Macmillan, 1948), a bloc analysis of the Court of the 1940's, is a pioneering work. An even earlier work, Benjamin Cardozo's Nature of the Judicial Process (Yale U. Press, 1921), has a vast number of insights into the judicial process; in addition, it is one of the most influential works in American jurisprudence by one of the nation's most eminent judicial thinkers.

Finally, since most of the works above deal with appellate courts deciding issues of public law, we ought to mention a few works which illuminate the process in trial and local courts. Jerome Frank's Courts on Trial (Princeton U. Press, 1949) has been one of the most influential calls for reform of trial courts. Frank was himself a distinguished federal judge. The content of Edward Green's Judicial Attitudes in Sentencing (Macmillan, 1961) is evident from the title. Ditto Hans Zeisel et al., Delay in the Courts (Little, Brown, 1959). Two more general and very useful summary volumes are: Arthur Vanderbilt (a noted judge and judicial reformer), Judges and Jurors (Boston U. Press, 1956), and Lewis Mayers, The Machinery of Justice (Prentice Hall, 1963).

Grade Eight
UNIT VI: DECISION-MAKING AT THE LOCAL LEVEL

VI

RESOURCE UNIT

These materials were developed by the Project Social Studies Curriculum Center of the University of Minnesota under a special grant from the U. S. Office of Education (Project HS-045).

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INTRODUCTION

This resource unit is short, since the emphasis is upon having pupils use concepts learned earlier in the course to analyze one or more crucial problems and political decision-making in relationship to these problems in their own community. If pupils live in smaller towns, they should contrast the problems and decision-making in their towns with that in the largest or nearest metropolitan area of their state. Since this unit is to be developed largely around local problems and decision-making, the outline of content can be suggestive only. It is suggested, that the unit begin with an identification and analysis of problems. Once pupils have studied the problems and analyzed different interests and groups involved and the causes of the problems, they can turn to ways in which people in the community are trying to solve these problems. This study should lead them to an analysis of power relationships, political institutions, and decision-making at the local level. It should also lead them to some analysis of relationships between the local and state government and perhaps even with the federal government. Once local problems have been used as case studies for the analysis of political decision-making, the teacher can have pupils study other aspects of the suggested outline of content which he feels have not been brought out clearly by the local study.

OBJECTIVES

This unit is designed to make progress toward developing the following objectives:

Generalizations:

1. The greater the population density and the more complex the technological system, the greater the need for more laws and for some institutions for changing laws.

2. The individual citizen in the political process approaches the political process with a complex of political attitudes, outlooks, values, and goals.

3. The interest group operates and attempts to bring influence to bear wherever in the political system public policy is being made.
   a. The interest group attempts to bring aggregates of influence to bear upon decision-makers by attempts to frame the possible choices that decision-makers have, by direct influence, by education, and by attempts to control the selection of decision-makers.
   b. The interest group serves an important role in activating and socializing its members into political activity.

4. Many factors affect decision-making in a democracy.
   a. The institutions of government constitute the arenas or the structure within which the authoritative decisions of the political process are made. (They limit access to decision-makers, they set the procedures of decision-making, they set the powers of the decision-makers, they informally distribute power and authority among decision-makers, and they set the boundaries and dimensions of the political playing field and fix the rules of the game played in it.)
   b. Any decision is in part a product of the internalized values and the perceptions of the persons making the decision.
   c. The decision-maker reacts to pressure from other decision-makers as well as to pressures from outside the government.

5. Attempts to abstract political decision-making from the pressures of the political system (from politics) have not succeeded.

6. Every legislature is directly a product of the electoral and constituency systems which produced it; changes in these systems will bring changes in the composition and loyalties of the members.

7. The separation of powers is intended to and does produce institutional deadlock more often than parliamentary systems do.

8. Political power is unevenly distributed in a population even in a democracy; the concept of political equality or one man--one vote--insures only a minimum opportunity for influence.
   a. The unequal distribution of political power reflects the basic unequal distribution of resources, skills, and motivation in society.
   b. The unequal distribution of power reflects the fact of political organization; individuals join into aggregates to increase their political power by joining it with others.
   c. An individual may have power at one point in the political system but not at another; that is, political power relates to specific points of decision-making within the political system. (An individual's particular expertise may give him influence with one type of decision-maker but not with another.)
   d. Political power may rest in formal government positions but it need not.

Skills

1. Attacks problems in a rational manner.
   a. Is alert to incongruities, recognizes problems, and is concerned about them.
   b. Selects problems to study according to specific criteria.
   c. Defines problems by isolating the basic issue, defining terms, identifying assumptions and values involved, and determining sub-problems which must be investigated.
   d. Considers possible hypotheses and/or alternative courses of action.
   e. Considers possible consequences of alternative courses of action.
   f. Sets up ways of testing hypotheses.

2. Locates information
   a. Uses Statistical Abstract
   b. Uses State Legislative Manual
   c. Uses census volumes
   d. Skims to locate information in newspapers.
   e. Locates sources of information by using telephone directory.

3. Gathers information

a. Gains information through interviews.
b. Draws inferences from tables, graphs, and charts.
c. Listens to structured speeches for main ideas, supporting details, and to evaluate what is said.
d. Increases the accuracy of his observations through the use of questionnaires.
e. Uses simple sampling techniques.

4. Evaluates information

a. Identifies bias of sources.
b. Distinguishes between relevant and irrelevant information (including persuasion devices.)

5. Organizes and analyzes information and draws conclusions.

a. Applies previously-learned concepts to new data.
b. Checks, refines, and eliminates hypotheses and works out new ones where necessary.
c. Having determined the causes of a social problem, scrutinizes possible consequences of alternative courses of action, evaluates them in the light of basic values, lists arguments for and against each proposal, and selects the course of action which seems most likely to prove helpful in achieving the desired goal.

Attitudes

1. Feels a sense of responsibility for keeping informed about current problems.

2. Has a sense of responsibility for taking informed action about problems.

3. Searches for evidence to disprove hypotheses, not just to prove them.

4. Sceptical of single-factor causation in the social sciences.

5. Sceptical of panaceas.

6. Sceptical of the finality of knowledge; considers generalizations and theories as tentative, always subject to change in the light of new evidence.

7. Evaluates proposals on the basis of their effects upon individuals as human beings.

8. Values institutions as a means of promoting human welfare, not because of tradition; is willing to change institutions as times create new problems.

OBJECTIVES	OUTLINE OF CONTENT
G 1. The greater the population density and the more complex the technological system, the greater the need for more laws and for some institutions for changing laws.	I. Local governments face different kinds of problems depending upon their size and location and type of economy.
S I s alert to incongruities, recognizes problems, and is concerned about them. S Selects problems to study according to specific criteria. A FEELS A SENSE OF RESPONSIBILITY FOR KEEPING INFORMED ABOUT CURRENT PROBLEMS.	A. Cities and suburban areas face many problems today. 1. Cities and suburbs face growing problems as the result of rapid population growth. a. There is a need to expand government services for police and fire protection. b. There is a need to expand the educational system where there is a sharp increase in the number of children. c. There is a need to provide good water supplies and proper sewage disposal in suburbs which have grown rapidly. d. There is a need to provide transportation facilities both within cities and to get people to and from downtown areas from suburbs. e. There may be increased need for welfare services as many people from poorer sections of the country come to the cities.

TEACHING PROCEDURES

MATERIALS OF INSTRUCTION

1. Ask: Which level of government do you think affects your daily lives more: national? state? or local? Why? Remind pupils that they have focussed thus far upon national and state governments. In this unit they should try to decide whether or not the concepts they have learned in earlier units will help them make sense out of ways in which local governments attack problems.

2. Have pupils list all of the important problems which they think face their own local government. They might consult with their parents and add to this list. Then after such consultation, the class should discuss each problem briefly, on the basis of existing knowledge, to decide which problem or problems to focus upon during this unit. Set up criteria for choice of problems. The class may decide to select only one problem or it could divide into groups to study two or three problems. They should analyze these problems in terms of the major concepts which they have studied during the year. Have pupils try to list these concepts and major questions to be studied about each problem. (The teacher may wish to review the questions raised by Sorauf in the overview for the year.) They will want to study such questions as: What is the conflict involved? Who are the parties to the conflict? How have people with the same interests in the conflict attempted to bring influence to bear upon decision makers? Who are the decision-makers? What factors will affect their decision-making?

S. Uses Statistical Abstract.
S. Uses State Legislative Manual.
S. Uses census volumes.
S. Skims to locate information by using telephone directory.
S. Gains information through interviews.

f. Cities and suburbs face problems in raising taxes to provide for the expansion of old services and to meet expenses of new ones.

B. Smaller towns face different kinds of problems, sometimes related to loss of population or to poor economic conditions in the area. (They are also affected indirectly by problems facing metropolitan areas of their state.)

C. Some of these problems are problems which can be solved by cities or towns themselves; others cross local boundaries and involve a much larger metropolitan area.

II. There are a number of causes for these problems facing local governments.

S. Defines problems by isolating the basic issue, defining terms, identifying assumptions and values involved, and determining sub-problems which must be investigated.

(Include here such factors as governmental structure, political attitudes of decision-makers, etc.) If the class analyzes several problems, they should try to decide if the decision-makers have been the same in all cases. Have the same interest groups played a part? If pupils live in a metropolitan area, they should be urged to include at least one problem arising out of the nature of a metropolitan area. If they do not live in such a community, have the class spend some time studying some of these problems related to a metropolitan area in their own state. Discuss ways of collecting information about these problems. What sources are there which they can use? Review interview techniques.

3. Before pupils begin their work, have them try to decide upon a logical approach citizens might use to study local problems. (e.g., What is the problem and how serious is it? What are the causes of the problem? What are possible alternatives which might be used to solve it or make it less serious? What are the probable consequences of each alternative? In terms of values held, which alternative seems to be the best to use?) Point out to pupils that as they study this unit, they will use a problem-solving approach, but they will also be analyzing the workings of the local political system. In addition to examining alternatives in terms of possible effects, they should consider factors which might affect decisions about the problem.

4. Now have pupils spend some time identifying more clearly the problems which they have selected to study. They should try to decide just what the problem is and how serious it is. If committees are working on different problems, let each prepare a bulletin board display on its problem. If the

S. Sets up hypotheses.
S. Sets up ways of testing hypotheses.
S. Checks, refines, and eliminates hypotheses, working out new ones where necessary.
A. SEARCHES FOR EVIDENCE TO DISPROVE HYPOTHESES, NOT JUST TO PROVE THEM.
A. SCEPTICISM OF SINGLE-FACTOR CAUSATION IN THE SOCIAL SCIENCES.
S. Listens to structured speeches for main ideas, supporting details, and to evaluate what he hears.
S. Checks on the bias of sources.
S. Distinguishes relevant from irrelevant information (such as persuasion devices.)

entire class is working on one problem, have a committee prepare a bulletin board display featuring the main aspects of the problem.

5. Have pupils set up hypotheses about possible causes of the problems they are studying. Some of these may be their own ideas and some will have been suggested to them as they studied the problem in more detail. What kinds of data might they collect to try to check their hypotheses? Review scientific attitude toward role of hypotheses and importance of trying to disprove them. Now have them try to collect data and come up with at least tentative conclusions about causes of the problems.

   It will be wise to vary actual study of the causes with other activities such as the following, in order to provide different activities during each class hour.

   a. Have pupils bring local newspapers to class and scan them for items about the problems. Does any article report possible causes? If so, what?

   b. Invite a guest speaker to class to discuss his views of the causes. Before pupils hear the first speaker, review techniques for listening for the main idea, supporting details, and to evaluate what is said. Also review techniques for note-taking on structured speeches.

   c. Have pupils make tables, graphs, charts, etc. to show different causes.

   d. Have pupils analyze letters to the editor about the problem. They should look for suggestions of possible causes and the kinds of evidence presented, if any. They should also examine the letters for persuasion devices and bias.

A. The individual citizen in the political process approaches the political process with a complex of political attitudes, outlooks, values and goals.

III. The political culture of the city or town will affect how these problems are handled or even if the government will make increased attempts to solve them.

A. The political culture includes attitudes toward the problems themselves--how important people think they are to solve.

B. The political culture includes attitudes toward the role of government in trying to solve these problems.

C. Most dwellers are agreed on the need for certain kinds of services, but there is conflict over some programs. Moreover, many oppose increased taxes even to expand old services to meet problems arising from growing population.

Discuss: How effective do you think letters to newspapers are in influencing political decisions at the local level? Perhaps have pupils write some of the local officials to ask them their view of this question.

e. Have pupils examine newspapers to see if they can find any reference to similar problems in other cities and towns. What possible causes are listed for them?

f. Have pupils change their bulletin board displays to add causes of the problems to each.

6. Discuss: Are these problems the kind which are likely to be referred to the local political system? Why or why not? What is the general attitude of the local citizens toward the seriousness of these problems and toward the role of the government in trying to solve them? What agreement do you think there is? What disagreement? (Let pupils discuss briefly, without coming up with the final answers. However, they should become aware of the need to find out about the degree of agreement on these matters. Point out that if there is agreement or near agreement on these matters, these attitudes would be part of the political culture of the group.

S. Considers possible hypotheses and/or alternative courses of action.

S. Considers possible consequences of alternative courses of action.

S. Checks, refines, and eliminates hypotheses, working out new ones where necessary.

IV. There are a variety of solutions proposed for these problems; solutions have consequences not related directly to the problems which they are designed to solve.

G3. The interest group operates and attempts to bring influence to bear wherever in the political system public policy is being made.

G3a. The interest group attempts to bring aggregates of influence to bear upon decision-makers by attempts to frame the possible

V. Cities and towns include groups with different political goals, all of which cannot be achieved. People work through many interest groups as well as through political parties to try to achieve these goals.

A. Business groups frequently play an important role in political affairs of local communities.

B. Labor organizations sometimes play an important role in political affairs.

7. Now have pupils set up lists of possible courses of action which they can think of or have come across. Where possible they should list groups whom they think would support each course of action. Is there any conflict between these different courses of action? If so, what? Why? Have pupils set up hypotheses about possible consequences of each course of action. Then have them consider data which might be collected to test such hypotheses.

8. Have pupils study alternative courses of action, collecting data from their own town and from other places which have tried such approaches. They should also study the process by which the local government is attacking these problems. Who are the decision-makers (in actuality as well as in terms of official office)? What factors are affecting their decision-making? (Examine effects of governmental structure, attitudes of decision-makers, pressures from interest groups, etc.) Since pupils will need some days to make such a study, you will probably wish to interrupt the committee work by activities such as the following:

   a. Pupils might collect clippings about the problems and use them in their study or in bulletin board displays.
   b. Pupils might prepare bulletin board displays on various alternative courses of action.
   c. Have pupils study newspaper accounts to identify different interest groups trying to influence decisions about the problems.
   d. Invite several representatives of different interest groups to come to class to discuss their views of each problem being studied.

choices that decision makers have, by direct influence, by education, and by attempts to control the selection of the decision-makers.

G3b The interest group serves an important role in the activating and socializing of its members into political activity. (Much of the leverage an interest group has on a political party involves its ability to activate its membership and "deliver" it to the candidates of the party.

G4 Many factors affect decision-making in a democracy.

G4a The institutions of government constitute the arenas or the structure in which the authoritative decisions of the political process are made. (They limit access to decision-makers, they set the procedures of decision-making, they set the powers of the decision-makers, they informally distribute power and authority among decision-makers, and they set the boundaries and dimensions of the political playing field and fix the rules of the game played in it.

S Applies previously-learned concepts to new data.

C. Ethnic and racial groups may attempt to achieve certain goals through the political system.

D. The local press may be important in influencing local affairs.

E. Special interest groups such as educational groups may affect specific kinds of goals related to their interests.

F. Groups such as the League of Women Voters may try to affect the structure of government or the efficiency and honesty of government.

G. Political parties play an important role in some towns and cities.

VI. Decision-making in the local political system is affected by many factors.

A. Cities and towns are limited by what they can do by state legislatures and by the federal constitution.

1. Cities and towns are creatures of state legislatures. Their powers are set up by the legislature, and the legislature can give or refuse power to levy different kinds of taxes or to do certain things. The legislature may add to or decrease these powers.

2. City charters set up certain kinds of political institutions whose structure affects how things will be done.

e. If special interest groups have been formed to fight or work for a particular course of action related to this problem, have a pupil interview its chairman or have him speak to the class about how the group was organized and how it is working to achieve its goals.

f. If there is a local League of Women Voters, ask a representative to tell class about its role in these political conflicts.

g. Have several pupils report on interviews with local political party leaders about the role of the parties, if any, in their conflicts.

h. Have pupils read a brief excerpt from a dittoed sheet on the relationship of local governments in their state to the state government. They should find out whether or not their state government has granted their town home rule or not, and if so, what powers this also gives them.

i. Have pupils read brief text accounts of different kinds of local government structures and the pros and cons of each. Then have them find out what kind their town or city has. Several pupils might interview representatives of the League of Women Voters and various interest groups about their views on the values of the existing type of government in their town. (This would be of particular use if there is a current controversy about changing the form of government.)

j. On the chalkboard set up two different types of city councils, one with members elected at large and one with members elected by districts. (Which does their town have?) Now ask: How do you think each system would affect the council in terms of type of people elected and their role perceptions?

G7 The separation of powers is intended to and does produce institutional deadlock and delay more often than parliamentary systems do.

G5 Attempts to abstract political decision-making from the pressures of the political system (from "politics") have not succeeded. (The city manager device and non-partisan elections have not succeeded in removing decision-making from politics.)

G6 Every legislature is directly a product of the electoral and constituency systems which produces it; changes in these systems will bring changes in the composition and loyalties of the members.

a. Some towns have commission, some mayor-council, some city-manager forms of government. Each affects decision-making in slightly different ways.

b. Towns with mayor-councils may have strong mayors or very weak mayors. In cities with weak mayors, it is very difficult to hold any group responsible for actions or to get many things done.

c. City elections may be non-partisan, although non-partisan elections do not take public officials out of politics.

d. Cities and towns may have weak or strong civil service systems; strong systems remove much of the patronage power of mayors or political officials and so in a sense weaken their power.

3. Cities are limited in law enforcement and some other areas by the Bill of Rights and other rights guaranteed by the federal constitution.

G8 Political power in unevenly distributed in a population even in a democracy; the concept of political equality or one man--one vote, insures only a minimum opportunity for influence.

B. Decision-making is affected by the power structure in the local community, both because of the attitudes of the key decision-makers and because of the kinds of influence upon them.

G8a The unequal distribution of political power reflects the basic unequal distribution of resources, skills, and motivation in the society.

G8b The unequal distribution of power reflects the fact of political organization;

1. There are [illegible] making in local governments. [illegible] different towns and cities. [illegible] a continuum, and many [illegible] somewhere [illegible] types.

k. Ask: Can you think of any instances in which local governments have been limited by the federal government? How? Why? (Review Little Rock case and some of the judicial decisions.)

l. A good student might report on the Atlanta, Georgia study which supports the elitist theory of decision-making in cities. Or the teacher may wish to summarize this information on ditto sheets or project some of the tables and charts from the study. Pupils could use these tables to draw inferences about

Floyd Hunter, Community Power Structure.

individuals join into aggregates to increase their political power by joining it with others.

G8c An individual may have power at one point in the political system but not at another; that is, political power is related to specific points of decision-making within the political system. (An individual's particular expertise may give him influence with one type of decision-maker but not with another.)

G 8d Political power may rest in formal governmental positions, but it need not.

S. Draws inferences from charts, tables, and graphs.

a. The elitist theory claims that a relatively few important leaders wield the power in the community on all important political decisions. They may or may not hold political office. If they do not, the political officials carry out their decisions.

b. The pluralist theory claims that political decisions are compromises resulting from contests between different groups and individuals. Some groups are more likely to have power in one area, other groups in another area.

c. In small towns there may be such homogeneity of political culture and interests that the leaders merely try to carry out the common political culture of the area. Power may be distributed widely, or there may be an elitist group.

d. In many cities and towns, there is probably a situation somewhere between the elitist extreme and a pluralistic extreme.

the number of decision-makers in this city at the time of the study. Be sure to point out the date of the study, so that pupils will not assume that the situation today is necessarily the same.

m. Another good student might report on the New Haven study or the teacher could again summarize the information on ditto sheets or use tables from which pupils might draw inferences.

Robert Dahl, Who Governs?

n. Now have pupils compare these two theories. Do they think that all towns and cities would fit one or the other? What other possibilities might there be? Perhaps draw a line on the board showing these two ideal types and perhaps even a third ideal type of a small town in which there is even greater sharing of decision-making. Now have pupils try to decide, on the basis of their studies this far, how their town would fit on this scale. The extent to which you could have pupils study their own town in terms of kinds of questions asked in the Hunter or Dahl studies, would have to depend upon the attitudes of the community toward such a study. However, it would be possible to do a small opinion poll to get at some of the same kinds of questions asked by political scientists in order to gather information about the degree of elitism or pluralism in decision-making in the community.

See also the analysis by Robert Presthus in Men At The Top.

G4b Any decision is in part a product of the internalized values and the perceptions of the persons making the decision.

G4c The decision-maker reacts to pressures from other decision-makers as well as to pressures from outside the government.

2. Political decision-making is affected by the attitudes of the decision-makers as well as by the influences brought to bear upon them by other government officials and by the public.

G4 Many factors affect decision-making in a democracy.

S. Uses simple sampling techniques.

S. Increases accuracy of observations through the use of questionnaires.

A. HAS A SENSE OF RESPONSIBILITY FOR TAKING INFORMED ACTION ABOUT PROBLEMS.

C. Decision reached in these problems were affected (or will be affected) by the above factors.

o. Several good students might prepare written analyses of some of case studies on local government in Beloit. They might then work together as a committee to discuss ways in which the kinds of problems differed and the factors affecting decision-making differed or were similar from factors studied earlier in the year at the state and national level.

Warner E. Mills, Jr. and Harry R. Davis, Small City Government, Seven Cases in Decision-making.

p. Or divide pupils into three groups, each to read of the following case studies: "The Case of the Bothersome Bees," "The Case of the Crowded Corral," or "The Rerouting of Highway 51." Then hold a general class discussion on the same questions mentioned in procedure #o. Pupils should use examples from their case studies during the discussion.

q. A committee might attend with the teacher a meeting of the local council or commission as it discusses one of the problems being studied. Or it might attend a public hearing held on the problem.

r. Pupils might conduct an opinion poll of a sample of parents or of the adults in their school district about their attitudes toward the issues. If they do so, be sure to get approval from school authorities. It would also be wise to send out a letter with each pupil working on the poll, explaining its purposes. It might be possible to get the local newspaper to ruan a brief article about the study. Review sampling techniques and importance of wording of questions before pupils begin project. Later, pupils may wish to report their findings to the local governmental authorities or to the newspaper. They should discuss the implications of the poll in class. If they were decision-making officials, would the results affect their decisions? Why or why not?

A. SCEPTICISM OF PANACEAS.

S. Having determined the causes of a social problem, scrutinizes possible consequences of alternative courses of action, evaluates them in the light of basic values, lists arguments for and against each proposal, and selects the course of action which seems most likely to prove helpful in achieving the desired goal.

A. EVALUATES PROPOSALS ON THE BASIS OF THEIR EFFECTS UPON INDIVIDUALS AS HUMAN BEINGS.

A. SCEPTICAL OF THE FINALITY OF KNOWLEDGE: CONSIDERS GENERALIZATIONS AND THEORIES AS TENTATIVE, ALWAYS SUBJECT TO CHANGE IN THE LIGHT OF NEW EVIDENCE.

s. Discuss: What other factors do you think will influence (or have influenced) the decisions on these issues we are studying? Why?

t. Pupils might prepare charts, graphs, tables, etc. to use in presenting arguments for or against each alternative course of action.

9. Now hold a general discussion on alternative courses of action if if the class has focussed upon one problem. If groups have studied different problems, let each group present its recomendations as if it were an interest group trying to influence the local government officials (represented by representatives from the rest of the class). Afterwards, discuss: Did your studies confirm or contradict your earlier ideas about possible consequences of each course of action? Why?

G4 The institutions of government constitute the arenas or the structure within which the authoritative decisions of the political process are made. (They set the procedures of decision-making and they limit the powers of the decision-makers.)

A. VALUES INSTITUTIONS AS A MEANS OF PROMOTING HUMAN WELFARE, NOT BECAUSE OF TRADITION; IS WILLING TO CHANGE INSTITUTIONS AS TIMES CREATE NEW PROBLEMS.

VII. In some metropolitan communities where problems cut across local government lines, cities and suburbs have tried to solve problems by several different kinds of cooperative approaches.

A. In some cases they must agree to work together by combining fire departments, etc. so as to avoid the heavy costs of each purchasing some of the more expensive specialized equipment.

B. In some cases they get the state legislature to set up special metropolitan districts to handle specific problems such as water, sewage or transportation.

C. In a few cases state legislatures have agreed to set up federated metropolitan governments in which the wider government handles problems which cut across the town boundaries, and the local governments retain control over the more local problems.

10. If pupils have not dealt with possible metropolitan agencies as one means of solving specific metropolitan problems studied, suggest a problem which might be solved by cooperation and have pupils try to think of possible ways of working out such cooperation. What group would have to approve such cooperative enterprises?

11. Have a pupil investigate any case of local cooperation of an informal variety among separate governments within a metropolitan area. If there are none, have them suggest possible types of cooperation with the pros and cons of each.

12. Perhaps have a pupil or committee present information to the class on a special metropolitan district in the state -- if there is one -- or on one in another state. The information could be presented in the form of:

    a. A panel discussion or symposium
    b. A mock hearing before a state legislative committee on whether or not this agency has proved effective
    c. A bulletin board display
    d. A written summary

13. Perhaps give pupils a brief chart to illustrate a federated metropolitan government. If such a government were organized in a metropolitan area in their own state, what kinds of powers might be delegated to it? Discuss pros and cons of such a government.

Perhaps invite people interested in such proposals to come to class to discuss them.

14. Hold a summary discussion on local government decision-making. How useful were concepts studied in earlier units?

LOCAL GOVERNMENT AND POLITICS

The city of today is facing the pressures of rapid expansion. Before the Civil War only 15% of the United States population lived in cities. Today over two-thirds of the population is urban. Much of this urban population is spilling over city boundaries into suburbs, forming large metropolitan centers and strip cities. Many of the urban newcomers represent varied ethnic and racial cultures and mores. They feel the social unrest and tension of the 1960's drives for integration and equality of human rights. This expanding population--heterogeneous, restless, and ambitious--presents two serious problems for the local political community: the expansion of government services and the payment for them. The affluent and continually larger local community requires both an increase in the number of governmental services and an extension of existing services to the newcomers. To pay for these government activities the local government must exercise its prerogative to tax to a continually greater degree and in doing this it must compete with many other units of government for their share of the taxes.

A certain specialized vocabulary is needed to talk about politics in the local community. Such terms as the commission, mayor-council, and city manager forms of government and district and at-large, partisan and nonpartisan election systems describe the institutional framework of local government. These terms need to be understood because they are used commonly in every day language. They are also important for a knowledge of politics. They describe the foundations, legal limits, and many governmental relationships within which the actual operation of the political process is conducted.

The political culture of an area also acts as a prescription of limit of governmental activity. By "political culture" is meant those ethics, values, goals and demands by which the political system is defined by its members. These commonly accepted views can act to forbid or limit certain governmental activity or to demand certain services.

Within these two frameworks of institutions and political culture, the political process of the local community operates. A general overview of the political process which acts within this framework can connect the general focuses of local government inquiry. The people, in the form of groups, organized to achieve certain goals. They make demands for the solutions of certain problems or satisfaction of specific interests upon the leaders of the community, usually those holding local government office. Those leaders with the ability to change the existing situation make decisions for the community. Administrative bureaucracies carry them out.

Simple though this sounds, in reality it is much more complex. Within a complex and heterogeneous city or metropolitan area no one problem exists, reaches a solution, and is settled. Simultaneously many demands and decisions are made by groups and individuals which continually interact in a reciprocal fashion. Yet overly simple as it is, this analytic scheme provides logical focuses by which a student can learn about local politics.

A. The Problems of Local Government are of two kinds: providing services and paying for them. The services of local government are in a sense strictly their own. They deal with the most fundamental of government functions--so fundamental that they are often performed unnoticed. For instance, the local government takes care of the building and maintenance of streets, the regulation of transportation, the provision of police and fire protection, various types of welfare services, schools, recreation facilities and water. When these services are performed satisfactorily, the citizens take little notice.

Yet with the expansion to new services and extension to the continually larger numbers of people, the cost of providing these services has greatly increased. This has forced the local government to raise the rates of existing tax resources and to find new kinds of tax levies. Taxing problems have resulted in two controversies in the local scene. The first is over the increase in tax rates. Many feel the government is costing them too much as it is. Another is over the extension of government operations into new areas of service. Welfare is a good example. Relief to indigents and aid to unwed mothers is an area in which, besides costing the cities more in tax dollars, many citizens and groups may feel the government should not meddle. Other groups feel that here is an area in which the government must step in to offer relief and alleviate a social problem. These two kinds of disagreement cause much of the conflict within the local political system.

B. Group Representation in the Local Political Process

The demand of one person upon government may be pretty ineffectual. If many people, with similar attitudes or similar goals, join together, even in an unorganized fashion, their demands are more likely to be heard. Even with the myriad differences in local governments some common groups are usually active within the political process.

The businessmen may play a prominent role in local politics. Sometimes they supply the personnel for public office. In other areas they themselves make the political decisions. In other ways their cooperation is needed, as in such government projects as urban renewal and area development.

Organized labor may also be an agency providing civil leadership or a strong basis of political support. In some cases its consent is needed in pioneering new services for government.

The ethnic and racial groups have traditionally also been important forces within city politics, especially as blocs of voters whose interests must be taken into consideration. Although ethnic politics is disappearing, the importance of racial groups, especially the Negro, is gaining importance. The Negro population is finally becoming very anxious to achieve the same status as any other citizen and is working to eleminate many legal barriers to racial equality, many of them imposed by local ordinances.

Other groups also are important. The press, an over-all actor in the city scene, exercises its ability to influence judgments by propagating its opinions on subjects of local importance. The "do-gooders" groups, such as the League of Women Voters, try to impress their values of honesty and efficiency in government upon the operations of politics. The political party, of greater importance in some areas than in others, with its policy programs and followings of voters, can be a powerful pressure upon local politics.

These kinds of groups represent the interests of the citizens of an area, influence the formation of publics, and wage the conflicts which are decided by the men in power in the local area.

C. The Decision-Makers in Local Politics

Those men who make the decisions affecting the allocation of resources for government services are an important focus in the study of local politics. Generally in political science two different theories have been advanced as to the kinds of power structures formed by those making the political decisions of a locale.

The first one, the elitist theory, claims that relatively few crucially important top leaders are the wielders of power within the community. These same few people make all the decisions of political importance, The advocates of the elitist view point to Atlanta, Georgia, as their main example. A study of that town revealed that a small elite of businessmen dominated all decision-making. Both the lesser members of the business community and the elected government officials acted as those who operated the machinery which executed the decisions of the community elite. To a great extent, this approach ignores the group interaction of the community. It may be possible that in communities where this type of decision-making exists that interest groups may be of little importance in the political process.

Studies of other local communities have revealed an alternative arrangement of decision-makers. The pluralists, as they are called, maintain a more dynamic system of power relations.

Political decisions are compromises resulting from the contests of various groups and individuals acting to propagate their values and further their own goals. Different groups, individuals, and publics center their attention upon different areas of concern to local governments. Even those who make the decisions vary from area to area. One example should suffice here. In New Haven, Connecticut, those men who decided school policies were found to be different people from those who made the decisions regarding the implementation of urban renewal in the area. The only man found to enter into both decisions was the mayor and he actually had little to do with the school decisions. Also, the interest groups which worked for decisions of school policy were entirely different from those interested in urban renewal.. Another way of describing this power set-up is to say that various independent nuclei of leaders make decisions in different spheres of community activity.

These two types of structures of decision-making were found in large cities. In the small towns of rural America other forms of politics are practiced. Often in these homogeneous locales everyone knows everybody and the same social and cultural mores are accepted by all. Politics may pervade the whole area and a consensus on policy actions precludes much decision-making by the political leaders. Decision-making may be no more than maintaining agreement between the political culture of the area and the government services performed.

D. The Administration of Local Government

Like the President and governor, the mayor or city manager, besides having some policy making power, is usually also the executor of public policy. However, the local executive is often much more limited in his range of administrative power than his counterparts within the federal system. More than any other level of government the local level is beset with myriad independent commissions which may administer their areas of authority with little or no dependence upon the executive. For instance, park boards, school boards, and library boards abound in the local area with little reason to have any connection with the executive. Another factor limiting executive authority is that, with the drive to free local government from corrupt machine control by eliminating the tool of patronage, civil service systems and the election of administrative officials came into vogue. The denial of political appointment for many executives has meant less control over administrative heads who may have their own independent bases of political support.

However, many of the institutional limits upon the control of the mayor or city manager may be surmounted in extra-legal ways. A dynamic, forceful leader can win over otherwise independent administrators. Control of party apparatus is another means to be used in influencing administrative politics. Liaisons with the important

community groups concerned can aid in effectuating policy.

E. Metropolitics, the Extended Local Community

With the continuing increase in urban population people have migrated beyond the boundaries of the central city into the suburbs. New political problems, or at least increasing aggravations of the old ones, have been created by the increase in population. Transportation facilities have become overloaded; water supplies depleted, water pollution through inadequate sewage plants has become common; fire and police protection needs to be expanded. These are the services the central city has previously performed for the people of the area, all of whom lived within its boundaries.

With the spreading out of the population beyond the city's borders and the growth of the suburbs, many small local governments have been created. However, many of the problems these suburban governments are called upon to solve are not local in nature. They are metropolitan wide in scope.

Many devices, some ad hoc and some institutional, have evolved to take care of metropolitan problems. An example of ad hoc cooperation is an agreement among some suburban leaders to combine their fire departments so as to avoid duplication of capital expenditures for expensive fire fighting equipment. A popular institutional approach is the creation of special districts, institutions unhampered by ordinary geographical boundaries which perform usually one special function and have bonding and spending powers. These are especially popular in the field of education.

Some movements have advocated the creation of new metropolitan wide governmental units to take care of the problems which extend beyond the now existing political boundaries. Usually a federated plan is proposed leaving the very local problems in the hands of the existing political units and creating a new metro-wide layer of government to handle area wide problems. Plans of this sort have been adopted in Miami, Nashville, and Toronto, Canada. The Toronto plan has proved successful but the others have been in existence too short a time to pass judgment as to their effectiveness. However, considering the number of times plans similar to these have failed to meet with voter approval it would seem that most voters would rather get along with the inefficiencies of present systems than change the status quo.

Besides the metropolitan wide implications of suburbs the internal political operations of suburbs are an important area of study. The suburb has now lost its specific homogeniety of being an upper-class, Protestant, dormatory area. Now suburbs range from the mass constructed Levittowns to industrial areas with

factory towns connected to the average middle class community. Many are in themselves as heterogeneous as a city. Politically the suburb has been marked by its attempts to maintain the small local township form of government in which everyone participates in the making of government decisions. They want their governments to be kept free from politics. As a result of this attitude the nonpartisan election system and the city manager form of government predominate in the suburban community.

F. The Local Community Within the Federal System

The implications of local government do not stop at the local boundary nor even at the edge of the metropolitan area. Local government is related to both federal and state governments. Since federalism is considered elsewhere only two relationships need to be discussed here.

First of all the city is a creature of the state legislature. The original charter of incorporation comes from the state's lawmakers. Beyond this, state legislatures in varying degrees possess continual review of the local government's powers and the authority to expand them to meet the needs of new situations. The political operations of the local community are then often dependent upon state consent and the state legislature has the power to effectively intervene in local politics.

Since cities pass ordinances in the interests of public order which may involve the defining and processing of crimes involving the rights of all Americans protected in the Bill of Rights, the local community is also restrained by the federal Constitution and its interpretors, the federal courts. Its local ordinances must allow persons to practice their rights. Its local police actions must follow the rules prescribed by due process. Many of the civil rights cases heard each term by the U. S. Supreme Court are a result of alleged violation by local authority and local ordinances of citizens' rights. In this way the federal government, too, intervenes into the local scene.

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The literature on local decision-making has been voluminous and of high quality. The basic study is Floyd Hunter's Community Power Structure (Chapel Hill: The University of North Carolina Press, 1953). This Atlanta study posits the elitist model of decision-making and, indeed, gives its name to the whole area of inquiry into the study of community power structures. The pluralists' basic theory is advanced by Robert Dahl in his excellent study of New Haven, Who Governs? (New Haven: Yale University Press, 1961). These two studies were followed by several others of note. In Decisions in Syracuse (Bloomington: Indiana University Press, 1961) Roscoe C. Martin and Frank J. Munger investigate the many small and ordinary decisions of a city and the people who make them. They present a pluralist interpretation. The leading study on rural politics is by Arthur J. Vidich and Joseph Bensman, Small Town in Mass Society (New York: Doubleday and Company, Inc., 1960).

Very few studies are centered explicitly on local administrative politics. One good analysis of the manner in which bureaucracies operate is Wallace S. Sayre and Herbert Kaufman's Governing New York City (New York: Russell Sage Foundation, 1960). Several good collections of case studies provide valuable information on administration of government decisions: Harold Stein's Public Administration and Policy Development (New York: Harcourt, Brace and World, Inc., 1952) and Richard Frost's Cases in State and Local Government (Englewood Cliffs, N. J.,: Prentice-Hall, 1961). The Joint Center for Urban Studies of the Massachusetts Institute of Technology and Harvard University have issued approximately thirty reports on the politics of particular cities, including one each on Minneapolis and St. Paul.

There is a growing literature on metropolitics. Scott Greer's book, Governing the Metropolis (New York: John Wiley, 1962) is a good presentation of both city and suburban politics and their metropolitan implications. A defense of the city

as a way of life and as a political community is presented in a collection of essays published by the editors of Fortune in The Exploding Metropolis (New York: Doubleday, 1958). Robert Wood's Suburbia: Its People and their Politics (Boston: Houghton Mifflin Co., 1958). describes the suburbs with special emphasis on the political culture and practice of politics which is peculiarly suburban.

A few studies are now available on campaigns to establish metropolitan-wide governments. These attempts at government reform are compared and assessed by Scott Greer in Metropolitics (New York: John Wiley, 1963). There are a number of individual case studies of the formation and campaigns for metro governments: Henry J. Schmandt et. al., Metropolitan Reform in St. Louis: A Case Study (New York: Holt, Rinehart and Winston, 1961), (the St. Louis attempt), Daniel J. Elazar's (the first Nashville campaign), John G. Grumm's (the adoption of metro government in Toronto), and Edward Soffen's (Miami's metro experience).

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